

## FLORIDA.

Roy S. Hanna, St. Petersburg.

## INDIANA.

John W. Call, Gary.  
James E. Carson, Hebron.  
Eugene F. Cummings, Cannellton.  
Charles Hosford, Cayuga.

## KANSAS.

Theodore C. Conklin, Mulvane.

## MASSACHUSETTS.

Gertrude L. Campbell, North Grafton.

## MICHIGAN.

Ellsworth C. Corbett, Reading.  
Montague W. Ripley, Montague.  
Charles N. Spear, Pittsford.

## MISSOURI.

Edward Gloschen, Mercer.  
Frank A. Hardin, Cabool.  
William H. Howe, Hardin.  
James E. Nichols, Breckenridge.

## NEW MEXICO.

T. V. Shelpman, Nara Visa.

## NORTH DAKOTA.

George F. Abelein, Anamoose.  
Iver O. Fosse, Mayville.

## PENNSYLVANIA.

William L. Buchanan, Sagamore.  
Albert M. Ehart, Wayne.  
Caroline E. Hall, Swarthmore.  
John Leyshon, Farrell (late South Sharon).

## SOUTH CAROLINA.

W. J. Adams, Dillon.  
Alonzo T. Folger, Easley.

## VERMONT.

Charles S. Forbes, St. Albans.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 5, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw us by Thy holy influence close to Thee, and make us conscious of Thy presence, that with clear perceptions, high ideals, and noble endeavors we may do justly, love mercy, and walk humbly with our God, and thus satisfy the longings of our own hearts and reflect glory upon the God of our salvation. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. BURTON, and Mr. NEWLANDS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The message also announced that the Senate had passed the following resolutions (S. Res. 328):

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELBERT H. HUBBARD, late a Representative from the State of Iowa.

*Resolved*, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

In compliance with the foregoing, the Vice President had appointed as said committee Mr. CUMMINS, Mr. KENYON, Mr. OVERMAN, Mr. BORAH, Mr. SHIVELY, Mr. CRAWFORD, Mr. GRONNA, and Mr. HITCHCOCK.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6348. An act authorizing the Cooper River Corporation, organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross, and to erect temporary structures in Potomac Park, Washington, D. C.

## LEAVE OF ABSENCE.

Mr. BARTHOLOLT, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

## EIGHT-HOUR LAW.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9061) known as the eight-hour bill, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to take from the Speaker's table the bill which the Clerk will report, and to concur in the Senate amendments.

The Clerk read the title of the bill, as follows:

An act (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have the amendments reported, or a very brief statement made as to them.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Pennsylvania particularly, first, in reference to the amendment which affects the purchase of those goods which can be bought in the open market, whether made to conform to specifications or not? There was a change. I noted it when it went through the Senate, but I could not quite catch the point.

Mr. WILSON of Pennsylvania. Mr. Speaker, the only change that there is in the Senate amendment is a transposition in the language. It is transferred from one portion of the bill to another portion of the bill, and does not materially affect it. It is the same language.

Mr. MANN. That is the point. I am not certain whether it materially affects it or not. When you take language out of one place in a bill and insert it in another place for the purpose, as expressed, of making a change, I think we ought to know what the change is that is effected.

Mr. WILSON of Pennsylvania. Here is the language as it now reads:

That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or—

And this is where the transposition takes place—

for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for materials—

And then it goes on to use the same language.

Mr. MANN. Has the gentleman just read the language where the Senate inserted it, or as it was in the House bill?

Mr. WILSON of Pennsylvania. Where the Senate inserted it. As it was when it passed the House it was in the bill further on. At that point the language of the bill, eliminating the supplies part of it, is—

or for such materials or articles as may usually be bought in the open market, except armor and armor plate, whether made to conform to particular specifications or not.

And it seems to me that it makes it more clear and specific, and does not leave the possibility of the qualification applying only to armor plate.

Mr. MANN. Then, in the gentleman's opinion, with the Senate amendment it is perfectly plain that the law does not apply to goods which can ordinarily be purchased in the open market, whether they are made to conform to specifications or not?

Mr. WILSON of Pennsylvania. It does not.

Mr. MANN. I understand this excepts the Panama Canal until 1915, and special work on the Mississippi River.

Mr. WILSON of Pennsylvania. This excepts the Panama Canal or contracts on the Panama Canal until 1915, and excepts levees and revetments on the river work. In addition to that it does not change the provisions contained in the appropriation acts of 1906, where it was provided that the eight-hour act should not apply to alien employees on the Panama Canal, and it changes the date upon which the act shall go into effect to January 1 next, the presumption being that that is for the purpose of allowing those who are making bids to have an opportunity to make their establishments conform to the changed conditions.

Mr. MANN. One other question: I think this eight-hour bill was inserted as an amendment to the naval appropriation bill the other day.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. I suppose if these Senate amendments are agreed to, and this bill becomes a law, it is not the intention to have that amendment remain in the naval bill.

Mr. WILSON of Pennsylvania. As far as I am concerned, I can see only one use that that amendment would have on the naval bill, and that would be to take care of the interim between the time when this bill goes into effect and the time of the passage of the appropriation bill.

Mr. MANN. I know, but if you agree to the Senate amendments to this bill, then the two are not the same. That is what I am speaking of. It would not do to enact this law in this shape with the Senate amendments in it, and then enact the naval bill as it passed the House. If that becomes a law later, it will create confusion.

Mr. WILSON of Pennsylvania. If that is incorporated in the naval bill when it comes back here, it seems to me it ought to be changed to conform to this bill.

Mr. MANN. But we would not have the power to do that. We have no further control over a provision after it has been sent to the Senate, unless it is amended by the Senate.

Mr. WILSON of Pennsylvania. It seems to me when the bill comes from the Senate, if it still contains the eight-hour amendment, that amendment ought to be made to conform to this provision.

Mr. MANN. The gentleman probably would have some control over what might be done in the Senate to that amendment. But if the amendment which was inserted in the House should be agreed to in the Senate, in its present language, the House would have no further control over it. We could not change it, and somebody ought to see that that is made to conform to the amendments agreed to here.

Mr. HUGHES of New Jersey. As I understand, there is not very much danger of that being the situation.

Mr. MANN. I do not know. When you attempt to duplicate the same thing in two bills, you ought to be careful that they do not conflict.

Mr. HUGHES of New Jersey. Does the gentleman think there is anything in these amendments that we are trying to agree to now that would conflict with the character of work that the eight-hour bill applies to on the naval appropriation bill?

Mr. MANN. I was not here when that was agreed to, but I understood that the bill which passed the House was offered as an amendment to the naval bill. Is not that the case?

Mr. WILSON of Pennsylvania. That is the case.

Mr. MANN. So if we agreed to these changes proposed by the Senate to this bill, we ought not to insert the House bill into another law in the form in which it passed the House, without the Senate amendments, because that would get us into confusion.

Mr. HUGHES of New Jersey. I understand what the gentleman is after. Of course we all want to accomplish the same result.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. I move to concur in the Senate amendments.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business in order to-day under the rule.

The SPEAKER. The gentleman from New York moves to dispense with Calendar Wednesday for this day.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the House to the fact that this is the 5th day of June, and that the sundry civil bill (H. R. 25069), which is now before the House, contains 176 pages. I understood from the remarks made by the gentleman from Illinois [Mr. CANNON] yesterday that there were a number of items in the bill which he expected would be debated at considerable length, and to which amendments will be offered during the consideration. This bill should be sent to the Senate with as little delay as possible, in order to give the Senate committee an opportunity to consider the various matters connected with it, and to give the Senate itself some time to consider those matters before the end of the fiscal year. It has always taken considerable time to pass the bill in the House, and in view of the fact that we are now approaching what many Members hope are the remaining few weeks of the session, we are at least within the spirit of the rule which provides that during the last two weeks of the session Wednesday shall not be set aside specially for the business of Calendar Wednesday. It seems to me wise to ask the House at this time to permit consideration of the sundry civil bill and to proceed with the general debate thereon.

Mr. FOSTER. Mr. Speaker, I would like to inquire, if Calendar Wednesday should be dispensed with to-day, if the business in order to-day would come up on the next Calendar Wednesday?

The SPEAKER. It would. The bill that the gentleman has charge of would be considered as the unfinished business.

Mr. FOSTER. I am quite anxious to get this bill disposed of, and yet I realize that there is a great deal of business in the House that needs to be attended to if we are to adjourn anywhere within the next three weeks, and I shall not oppose the motion.

Mr. MANN. Mr. Speaker, while Calendar Wednesday under the rules has not been entirely satisfactory, and while I think it would be possible to make a rule which would be satisfactory, I see no occasion at this time for dispensing with the rule. So far as the House is concerned, it would be quite competent for Congress to adjourn in 10 days, as far as the appropriation bills are concerned. I have seen the time in the House when the sundry civil appropriation bill was passed within two or three days, and the same can be done again by holding evening or night sessions, if there be any occasion for it; and if it would do any good, Members of the House would be quite willing to sit here at night if thereby we could get away from Washington by the middle of the month.

But up to date I have seen no great likelihood of an adjournment by the middle of the month. If it appears at the other end of the Capitol that we can get away at that time, we can dispose of our business here easy enough. I do not believe that we ought to set the precedent of dispensing with Calendar Wednesday. Under the rule which provides for Calendar Wednesday, while it is quite possible to call the Calendar of Committees on other days of the week, we all know that it has not been practicable to do so for a long time.

Gentlemen now seem to assume that they can pass important bills by placing them on the Unanimous Consent Calendar without consideration, and the gentleman from New York, if he dispenses with Calendar Wednesday to-day, will only add to that desire. We can dispose of the sundry civil appropriation bill in ample time, and meanwhile, if the gentleman believes that this is the last two weeks of the session, let him bring in a resolution for a final adjournment of Congress in two weeks and pass it through the House; and when they have done that they have a license, perhaps, to ask that Calendar Wednesday be dispensed with. But until that is done I do not think they have.

Mr. FITZGERALD. Permit me to say to the gentleman from Illinois that I do not believe that this side of the House proposes to bring in any resolution for adjournment until the differences between the two Houses on the appropriation bills are settled. If the gentlemen on that side imagine that by delaying consideration of this bill, or in any other way, they are going to make the House abandon the great reforms that they have sent to the Senate, they will find that they are mistaken.



Mr. MANN. Oh, I do not yield to the gentleman for a political speech; that is all buncombe.

Mr. FITZGERALD. It is not all buncombe, and the gentleman from Illinois will find it out.

Mr. MANN. That would have nothing to do with the adjustment of the matters in dispute between the House and the Senate. If the gentleman had brought in the sundry civil appropriation bill at the time it ought to have been brought in, a month ago, it would not be necessary now to ask for this suspension.

Mr. CANNON. Mr. Speaker—

The SPEAKER. On which side of this question is the gentleman from Illinois?

Mr. CANNON. I think on both. [Laughter.]

The SPEAKER. The reason that the Chair asked the question is that the rule provides for only five minutes' debate on a side. The gentleman from Illinois has used up the five minutes on his side, and the gentleman from New York has used three minutes, leaving two minutes remaining. If the gentleman from Illinois is on both sides of the question, the Chair will hear him for two minutes. [Laughter.]

Mr. CANNON. Mr. Speaker, I am quite in harmony with proceeding as rapidly as possible with the consideration of this bill. I suppose the motion would have been subject to a point of order.

Mr. FITZGERALD. Oh, no; it is in order under the rule.

Mr. CANNON. The rule for Calendar Wednesday?

Mr. FITZGERALD. Yes.

Mr. CANNON. Yes; it takes a two-thirds vote. I had forgotten for the moment. Now, a little bit on the other side.

Mr. FITZGERALD. But I suggest that the gentleman from Illinois has not said very much on this side. [Laughter.]

Mr. CANNON. A little bit on the other side. It should not be forgotten that this day is the day that by a vote of the House was specially dedicated to business that no constitutional question can interrupt, and yet I suppose two-thirds might dispense with it. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, there is on this side of the House an application for only one-half hour more of general debate on the sundry civil bill. I have been informed that several gentlemen on the other side desire to occupy more or less time. I desire to accommodate them, and I hoped we might be able to do so by utilizing to-day. If the gentleman does not care to occupy very much more time in general debate, then we can proceed to-morrow and not have very much time for general debate to-morrow.

The SPEAKER. The question is on the motion to dispense with Calendar Wednesday.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 72, noes 52.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to dispense with Calendar Wednesday.

The question was taken; and there were—yeas 96, nays 146, answered "present" 13, not voting 136, as follows:

## YEAS—96.

Adair	Dickinson	Humphreys, Miss.	Reilly
Adamson	Dies	James	Richardson
Alexander	Dixon, Ind.	Johnson, Ky.	Rouse
Allen	Driscoll, D. A.	Johnson, S. C.	Rubey
Ayres	Fergusson	Kohop	Russell
Beall, Tex.	Fitzgerald	Korbly	Sabath
Blackmon	Floyd, Ark.	Levy	Saunders
Boehne	Gallagher	Lloyd	Shackleford
Booher	Garner	McCall	Sherley
Brown	Gillett	McCoy	Sherwood
Burgess	Goldfogle	McDermott	Sims
Burke, Wis.	Good	McKellar	Sisson
Byrns, Tenn.	Gregg, Tex.	Mays	Stephens, Tex.
Calder	Hamlin	Moon, Tenn.	Stevens, Minn.
Callaway	Hardy	Morgan	Sweet
Candler	Harrison, Miss.	Morrison	Talcott, N. Y.
Cannon	Hay	Moss, Ind.	Taylor, Ala.
Claypool	Henry, Conn.	Needham	Thomas
Clayton	Hensley	Oldfield	Turnbull
Collier	Holland	Olmsted	Underhill
Covington	Houston	Page	Volstead
Daugherty	Howard	Patten, N. Y.	Wilson, N. Y.
Dent	Hughes, Ga.	Rauch	Witherspoon
Denver	Hughes, N. J.	Redfield	Young, Tex.

## NAYS—146.

Aiken, S. C.	Bartlett	Burnett	Cary
Ainey	Bell, Ga.	Butler	Catlin
Ames	Bowman	Byrnes, S. C.	Copley
Anderson, Minn.	Buchanan	Campbell	Crumpacker
Anthony	Burke, S. Dak.	Carlin	Cullop
Austin	Burleson	Carter	Curley

Curry	Hardwick	Maguire, Nebr.	Sloan
Dalzell	Hayden	Martin, Colo.	Small
Davenport	Hayes	Martin, S. Dak.	Smith, J. M. C.
Davis, Minn.	Helgesen	Miller	Smith, Saml. W.
Dickson, Miss.	Henry, Tex.	Mondell	Smith, Tex.
Difenderfer	Higgins	Moon, Pa.	Speer
Dodds	Hill	Moore, Pa.	Steenserson
Donohoe	Howland	Morse, Wis.	Stephens, Cal.
Doremus	Hull	Mott	Stephens, Miss.
Driscoll, M. E.	Jackson	Murdock	Stephens, Nebr.
Dupré	Jacoway	Murray	Sterling
Edwards	Jones	Neeley	Stone
Ellerbe	Kahn	Nelson	Sulloway
Esch	Kinkaid, Nebr.	Norris	Sulzer
Estopinal	Knowland	O'Shaunessy	Switzer
Ferris	Konig	Palmer	Taggart
Finley	La Follette	Payne	Taylor, Colo.
Flood, Va.	Langham	Pepper	Taylor, Ohio
Fowler	Lee, Ga.	Peters	Thistlewood
French	Lee, Pa.	Powers	Townsend
Gardner, Mass.	Legare	Pray	Tribble
Goodwin, Ark.	Lenroot	Prouty	Vare
Gould	Lever	Rainey	Warburton
Graham	Lindbergh	Raker	Watkins
Green, Iowa	Linthicum	Rees	Weeks
Greene, Mass.	Longworth	Roberts, Mass.	Willis
Gregg, Pa.	McGillcuddy	Roberts, Nev.	Wilson, Pa.
Griest	McKenzie	Roddenberg	Wood, N. J.
Hamilton, Mich.	McKinney	Rodenberg	Young, Kans.
Hamilton, W. Va.	McLaughlin	Rothermel	
Hammond	Madden	Rucker, Colo.	

## ANSWERED "PRESENT"—13.

Akin, N. Y.	Browning	Gray	Slomp
Andrus	Dyer	Haugen	
Barnhart	Foster	Mann	
Bradley	Gardner, N. J.	Slayden	

## NOT VOTING—136.

Anderson, Ohio	Farr	Kitchin	Randell, Tex.
Ansberry	Fields	Kopp	Randell, La.
Ashbrook	Focht	Lafean	Reyburn
Barchfeld	Fordney	Lafferty	Riordan
Bartholdt	Fornes	Lamb	Robinson
Bates	Foss	Langley	Rucker, Mo.
Bathrick	Francis	Lawrence	Scully
Berger	Fuller	Lewis	Sells
Borland	Garrett	Lindsay	Sharp
Brantley	George	Littlepage	Sheppard
Broussard	Glass	Littleton	Simmons
Bulkeley	Godwin, N. C.	Lobeck	Smith, Cal.
Burke, Pa.	Goeke	Loud	Smith, N. Y.
Cantrill	Gudger	McCreary	Sparkman
Clark, Fla.	Guernsey	McGuire, Okla.	Stack
Cline	Hamill	McHenry	Stanley
Connell	Hanna	McKinley	Stedman
Conry	Harris	McMorran	Talbot, Md.
Cooper	Harrison, N. Y.	Macon	Thayer
Cox, Ind.	Hartman	Maher	Tilson
Cox, Ohio	Hawley	Malby	Towner
Crago	Heald	Matthews	Tuttle
Cravens	Heflin	Moore, Tex.	Underwood
Currier	Helm	Nye	Utter
Danforth	Hinds	Padgett	Vreeland
Davidson	Hobson	Parran	Webb
Davis, W. Va.	Howell	Patton, Pa.	Wedemeyer
De Forest	Hughes, W. Va.	Pickett	Whitacre
Doughton	Humphrey, Wash.	Plumley	White
Draper	Kendall	Porter	Wickliffe
Dwight	Kennedy	Post	Wilder
Evans	Kent	Pou	Wilson, Ill.
Fairchild	Kindred	Prince	Woods, Iowa
Faison	Kinkaid, N. J.	Pujo	Young, Mich.

So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FOSTER with Mr. KOPP.  
Mr. UNDERWOOD with Mr. MANN.  
Mr. FARNES with Mr. BRADLEY.  
Mr. HOBSON with Mr. FAIRCHILD.  
Mr. RIORDAN with Mr. ANDRUS.  
Mr. SLAYDEN with Mr. TILSON.  
Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. LITTLETON with Mr. DWIGHT.  
Mr. SHEPPARD with Mr. BATES.  
Mr. STEDMAN with Mr. HANNA.  
Mr. RANDELL of Texas with Mr. WOODS of Iowa.  
Mr. RUCKER of Missouri with Mr. DYER.  
Mr. TALBOTT of Maryland with Mr. PARRAN.  
Mr. SCULLY with Mr. BROWNING.  
Mr. FIELDS with Mr. LANGLEY.  
Mr. SPARKMAN with Mr. DAVIDSON (not transferrable).  
Mr. THAYER with Mr. YOUNG of Michigan.  
Mr. BROUSSARD with Mr. NYE.  
Mr. BARNHART with Mr. MCKINLEY.  
Mr. CONNELL with Mr. GARDNER of New Jersey.  
Mr. GARRETT with Mr. FORDNEY.  
Mr. HAMILL with Mr. WILSON of Illinois.  
Mr. PUJO with Mr. MCMORRAN.  
Mr. COX of Indiana with Mr. SMITH of California.  
Mr. DOUGHTON with Mr. DRAPER.

Mr. GODWIN of North Carolina with Mr. BARTHOLDT.  
 Mr. FRANCIS with Mr. HAWLEY.  
 Mr. GEORGE with Mr. HEALD.  
 Mr. GOEKE with Mr. HINDS.  
 Mr. GUDGER with Mr. HOWELL.  
 Mr. HEFLIN with Mr. HUGHES of West Virginia.  
 Mr. HELM with Mr. HUMPHREY of Washington.  
 Mr. KINDRED with Mr. KENDALL.  
 Mr. KINKEAD of New Jersey with Mr. KENT.  
 Mr. KITCHIN with Mr. LAFEAN.  
 Mr. LAMB with Mr. LAFFERTY.  
 Mr. LITTLEPAGE with Mr. MCCREARY.  
 Mr. LOBECK with Mr. MCGUIRE of Oklahoma.  
 Mr. MACON with Mr. MALBY.  
 Mr. MAHER with Mr. MATTHEWS.  
 Mr. PADGETT with Mr. PATTON of Pennsylvania.  
 Mr. POST with Mr. PLUMLEY.  
 Mr. POU with Mr. PICKETT.  
 Mr. ROBINSON with Mr. PRINCE.  
 Mr. SHARP with Mr. REYBURN.  
 Mr. SMITH of New York with Mr. SELLS.  
 Mr. STANLEY with Mr. SIMMONS.  
 Mr. TUTTLE with Mr. TOWNER.  
 Mr. WHITE with Mr. UTTER.  
 Mr. WICKLIFFE with Mr. VREELAND.  
 Mr. FAISON with Mr. FOCHT.  
 Mr. ANDERSON of Ohio with Mr. BURKE of Pennsylvania.  
 Mr. ANSBERRY with Mr. COOPER.  
 Mr. BATHRICK with Mr. CRAGO.  
 Mr. BRANTLEY with Mr. CURRIER.  
 Mr. BULKLEY with Mr. DE FOREST.  
 Mr. CLARK of Florida with Mr. DANFORTH.  
 Mr. CLINE with Mr. FARR.  
 Mr. COX of Ohio with Mr. FOSS.  
 Mr. CRAVENS with Mr. FULLER.  
 Mr. DAVIS of West Virginia with Mr. GUERNSEY.  
 Mr. EVANS with Mr. HARRIS.  
 Ending Saturday morning, June 8:  
 Mr. WEBB with Mr. WEDEMAYER.  
 Ending June 5:  
 Mr. ASHBROOK with Mr. HARTMAN.  
 From May 15 and ending two weeks hence:  
 Mr. CANTRILL with Mr. LOUD.  
 From May 29 and ending two weeks hence.  
 Mr. BORLAND with Mr. LAWRENCE.  
 Mr. BARNHART. Mr. Speaker, has the gentleman from Illinois, Mr. MCKINLEY, voted?  
 The SPEAKER. He is not recorded.  
 Mr. BARNHART. Mr. Speaker, I voted "aye," and I wish to withdraw my vote and vote "present."  
 The name of Mr. BARNHART was called, and he answered "Present."  
 Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and desire to withdraw my vote of "no" and answer "present."  
 The name of Mr. MANN was called, and he answered "Present."  
 The result of the vote was announced as above recorded.  
 A quorum being present, the doors were opened.

## BUREAU OF MINES.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union. The unfinished business is the further consideration of the bill H. R. 17260, and the gentleman from Colorado [Mr. MARTIN] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17260, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.  
 The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

Mr. FOSTER. Mr. Chairman, in section 3, on line 2, there appears the words "and distribute." I think that it is proper, under the amendment passed in the legislative, executive, and judicial appropriation bill providing that these publications should be sent out from the Government Printing Office, that those words should be eliminated from the bill.

Mr. MANN. I did not hear what the gentleman stated.

Mr. FOSTER. This is at the top of the page, line 3, in reference to the words "and distribute."

Mr. MANN. What is the proposition?

Mr. FOSTER. What I want to get at is, if the provision of the legislative bill providing for the distribution of these pub-

lications at the Government Printing Office instead of from the different departments is passed, to conform with it I think these words ought to be eliminated.

Mr. MANN. The words "and distribute"?

Mr. AUSTIN. Why not let them remain, and if the House amendment prevails the Senate can strike them out of this bill?

Mr. FOSTER. I judge that is a provision of law that would be proper to apply to this.

Mr. MANN. I do not think there is any doubt section 2, which provides they shall disseminate information concerning certain things, gives them authority to distribute regardless of whether this is stricken out or not.

Mr. FOSTER. The provision in the legislative bill, if it becomes a law, will apply to all the departments of the Government.

Mr. MANN. I understand, but I do not think you will lose anything by striking out the words.

Mr. FOSTER. I do not think so, and that is the reason I think this ought to come out.

Mr. MANN. You would have to strike out the words "and distribute" and insert the word "and" before the word "publish."

Mr. FOSTER. Mr. Chairman, I move that the words "and distribute," page 3, line 2, be stricken from the bill and the word "and" inserted before the word "publish."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 1, page 3, by adding, after the word "prepare," the word "and"; and, page 3, line 1, strike out the words "and distribute."

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. Certainly.

Mr. MILLER. The amendment to which the gentleman refers in a bill which the House has already passed has not yet become a law. Suppose the Senate should strike out that from the bill and the conferees should see fit to agree to that, and the House should adopt the report of the conferees, then the Bureau of Mines would be unable to get out that information.  
 Mr. MANN. Under section 2 they have authority now.

Mr. FITZGERALD. Every department of the Government is doing this same work, and there is no such language.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word, in order to ask in regard to the punctuation of section 3. I notice, for instance, in line 10, after the word "industries," there is a semicolon. In most places where they separate the different classes a comma is used. I do not care particularly about it, but it says, "The use of explosives and electricity"—that is a clause by itself—"safety methods and appliances," and "rescue and first-aid work in said industries." I rather think they ought to use a semicolon after the word "electricity," but I do not know it is important.

Mr. FOSTER. I believe it is all right as it is.

Mr. MANN. It is not well punctuated; there is no doubt about that. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 4. That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed in the mining, quarrying, metallurgical, or other mining industries; nor shall the director or any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation: *Provided*, That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, line 20, by striking out the word "mining" and inserting the word "mineral."

Mr. MANN. May I ask the gentleman what is the object of that amendment?

Mr. FOSTER. That applies to it more particularly, and I think it is a better word to use.

Mr. MANN. "Mining industry" is a common expression and "mineral industry" is an unusual expression.

Mr. FOSTER. Well, it is thought that covers the field better than the words "mining industries."

Mr. MANN. But we use everywhere in the census, in statistical work everywhere, the term "mining industries"; we do not use the term anywhere "mineral industry."

Mr. RUCKER of Colorado. What do they mine except minerals?

Mr. CANNON. Yes; over on section 2.



Mr. MANN. I do not mean they do not use it in this bill.

Mr. BOWMAN. Will the gentleman yield? I think when that matter was up for consideration before the committee the suggestion was that it would cover quarrying as well as mining.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, lines 17 and 18, strike out the words: "With the approval of the Secretary of the Interior."

On page 3, line 20, after the word "industries," insert the words: "And with the approval of the Secretary of the Interior."

Mr. FITZGERALD. Mr. Chairman, I ask that that be reported again.

The amendment was again reported.

Mr. MANN. Is the gentleman willing to have the amendment divided so that it can be voted upon separately?

Mr. FOSTER. Certainly.

The CHAIRMAN. The question is on agreeing to the first amendment, in lines 17 and 18, to strike out the words "with the approval of the Secretary of the Interior."

Mr. FOSTER. I will state, Mr. Chairman, if this amendment is adopted, it would read:

Except for the health and safety of persons employed in mining, quarrying, metallurgical, or other mineral industries, and with the approval of the Secretary of the Interior.

It was thought that the changing of this language, striking it out above there, and inserting it below, makes it better sense than to leave it as it is now.

Mr. MANN. I think likely it changes the meaning.

Mr. FOSTER. It does not intentionally do it.

Mr. MANN. But the point is whether, after all, we shall permit the Bureau of Mines to engage in this private work. The provision "except with the approval of the Secretary of the Interior" inserted in either place permits the work to be performed in private mines.

Mr. FOSTER. It only provides for conditions of health and safety.

Mr. MANN. It provides for the health and safety of persons employed in all of these industries.

Mr. FOSTER. Yes, sir.

Mr. MANN. That permits anything to be done.

Mr. FOSTER. Oh, no. It says "except for the health and safety."

Mr. FITZGERALD. What does the gentleman think is intended to be done under this provision?

Mr. FOSTER. I say this prohibits the Bureau of Mines or any employee thereof from going into any private property, except where it may be thought necessary, and be permitted by the mine owner, for improving the conditions of health.

Mr. FITZGERALD. The truth of the matter is, this is not intended to prohibit at all. This is intended to authorize, although it is put in a very awkward way.

Mr. FOSTER. No; it is not. It simply says they shall not go on any private property except for that purpose. It limits them to that purpose.

Mr. FITZGERALD. There is no authority now to permit.

Mr. MANN. Then the gentleman ought to be willing to strike the whole provision out, so that there will be no restriction to their going there.

Mr. FITZGERALD. They have no authority to go there now.

Mr. FOSTER. I will say to the gentleman from Illinois [Mr. MANN] that this is to meet the argument that this bureau is going on private property to do all sorts of work. This limits them to the going onto private property, with the approval of the Secretary of the Interior, to improve health conditions.

Mr. FITZGERALD. Why not strike the whole provision out?

Mr. FOSTER. I think it is better to have it in here so as to show the limitation.

Mr. MANN. I think my friend from New York [Mr. FITZGERALD] is correct.

Mr. FITZGERALD. I know what I am speaking about. I know what the purpose of this provision is, even if the gentleman from Illinois [Mr. FOSTER] does not.

Mr. FOWLER. It is a limitation.

Mr. FOSTER. I will say to the gentleman from New York [Mr. FITZGERALD] that I have great respect for his opinion on most matters, but I think in this case he is mistaken as to the idea of what it means. I do not think it goes beyond what it says.

Mr. FITZGERALD. I know very well what is meant by this provision—

Mr. FOSTER. I think I do, too.

Mr. FITZGERALD (continuing). And the purpose of it. And the reason and the purpose of why it is put in here is to enable the Bureau of Mines, at the instance of private individuals, to make a special examination of a particular mine for the latter's benefit.

Mr. FOSTER. Oh, no.

Mr. FITZGERALD. Oh, yes.

Mr. FOSTER. Oh, the gentleman is wrong.

Mr. FITZGERALD. I am not, because I had it from the lips of the head of the Bureau of Mines himself when I had occasion to investigate the operations of the bureau on other occasions.

Mr. FOSTER. The intention is to go into general conditions, into matters, for instance, with reference to eliminating coal dust and eliminating gases to better secure the safety of miners. Now, it might be necessary to go into a private mine and look up those conditions. The same condition might exist in stone quarries in reference to doing away with the dust that exists there, and also in metal mining.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes, sir.

Mr. MILLER. I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. Would his objection be removed if the words "in behalf of" were stricken out and there was inserted in their place the word "respecting," so that it would read "any investigation or operation respecting private property"?

Mr. FITZGERALD. Let me call the attention of the gentleman to the way this provision reads.

Mr. MILLER. It would reach the exact situation that the gentleman from Illinois [Mr. FOSTER] describes.

Mr. FITZGERALD. The first two sections of the bill describe the authority of the Bureau of Mines. The third section provides for the preparation and publication of reports. Now, the fourth section provides—

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except with the approval of the Secretary of the Interior.

If anybody can find in the preceding sections anything from which such authority might be inferred, I would be glad to have it pointed out. But this section, under the guise of limiting some power apparently conferred on the bureau, proceeds to recite "any investigation" for certain purposes, "except with the approval of the Secretary of the Interior," the purpose being to enlarge the powers given here, so that this bureau may, with the approval of the Secretary of the Interior, go upon these private properties and make investigations that should be made by the owners of the mines themselves.

Mr. MILLER. Let me make a suggestion to the gentleman.

Mr. WILSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. Yes.

Mr. WILSON of Pennsylvania. I would like to call the attention of the gentleman to the fact that in section 2 the bureau is authorized to conduct inquiries and scientific and technologic investigations concerning mining. Now, that in itself is quite a broad authorization.

Mr. FITZGERALD. It is very comprehensive.

Mr. WILSON of Pennsylvania. That might authorize and would authorize the investigation of methods of utilizing materials in mining. In order that that may not be used for the purpose of determining the methods of utilizing that waste for the benefit of individuals this clause is inserted in section 4, that such operations as are embodied in that authorization shall not be used for the benefit or in behalf of owners of private property. And then, when you make that inhibition and prevent them from using that in making such tests in behalf of private individuals, the question naturally arises as to whether such tests should not be made for the purpose of promoting the health and safety of employees in mines, and so this clause has been inserted for the purpose of qualifying the qualification.

Mr. MILLER. I would like to ask the gentleman from New York [Mr. FITZGERALD] what he thinks of this situation: These items restrict any investigation to our health and safety conditions. Suppose there is a State where there are no mining laws—there are States, I believe, that have no mining laws. Illinois has a mining law, and Pennsylvania has some law for protecting miners. Assuming, however, that the State of Indiana, for instance, has not such a mining law, and there is a condition in a coal mine in that State that the workmen feel is entirely unsafe and unhealthy. Now, a mining corporation is under no requirement of law to make changes, but if there

should be an investigation, not for the benefit of the mining company, but for the benefit of the miners themselves—an investigation by the Government—and a report to show to the world that the mining conditions there were not healthy and safe, would not that be a wise and good thing to do?

Mr. FOSTER. I think the gentleman is entirely right about that.

Mr. MILLER. Is not that what this section is designed to reach?

Mr. FOSTER. In some mines there is a great deal of coal dust which is known to have given rise to explosions. Now it is a problem how the dust of these mines may be eliminated.

The CHAIRMAN. The time has expired for the consideration of this amendment.

Mr. MANN. Mr. Chairman, only one Member has been recognized on the amendment.

The CHAIRMAN. Four or five Members have spoken.

Mr. MANN. That may be, but there has been no recognition by the Chair. I ask unanimous consent that the time of the gentleman from Illinois, my colleague, be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague [Mr. FOSTER] be extended five minutes. Is there objection?

There was no objection.

Mr. FOSTER. The matter of getting rid of this dust so as to prevent explosions has been a problem that the Mining Bureau has been investigating. One method that they have been experimenting with is by using the exhaust steam that comes from the engine so as to moisten the mine. There have been experiments all along these lines for the safety of the miners. Now under this provision of the bill it limits them to these questions of safety and health conditions.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Under section 2 the bureau is given authority to study the subject of health conditions, waste, and almost everything else that relates to mining. Under section 4 it provides that you can not study health conditions in the mines without the approval of the Secretary of the Interior. Does that mean in each particular case?

Mr. FOSTER. I think wherever the employees of the Bureau of Mines go into a private mine to study health conditions there, that before that can be done they must get the approval of the Secretary of the Interior.

Mr. MANN. But suppose they have an explosion in a mine and people are imprisoned and the Mining Bureau wants to go there and study health conditions while the conditions are in such a state as to make it desirable that they should be studied. Do I understand that they have to come and get hold of the Secretary of the Interior, procure his approval, before they can study the health conditions of that mine?

Mr. FOSTER. I think the Secretary of the Interior would issue a general order that in case of accident they could go and visit the mine.

Mr. MANN. I asked the gentleman a little while ago whether it would require the approval in a particular case, or whether he would give a blanket order—

Mr. FOSTER. Oh, I did not understand the gentleman's question, I thought he meant generally, without any extraordinary case.

Mr. MANN. But the extraordinary cases would not make any difference; if he can write a blanket order there is no necessity of putting that provision in the bill. That is the first thing the Secretary of the Interior does—is to write a blanket order.

Mr. GARNER. Mr. Chairman, I would like to ask the gentleman what he means by a "private mine."

Mr. FOSTER. A mine that the Government has nothing to do with.

Mr. GARNER. How many mines does the Government own?

Mr. FOSTER. The Government owns no mines except an experimental mine at Pittsburgh.

Mr. BOWMAN. If the gentleman will pardon me, is not this the situation: That there would be no question that if there was an explosion or a serious accident in a mine it would be the duty of the Government and the duty of the State government to go at once?

Mr. MANN. Where does the gentleman get that authority? He says it is the duty of the Government.

Mr. BOWMAN. In section 2. It is necessary in a case of accident that they should go to the mine and find out what new conditions have arisen.

Mr. MANN. Does my colleague agree to that?

Mr. FOSTER. No; I do not think they have the authority to go into a private mine even if there has been an accident.

Mr. WILSON of Pennsylvania. Not without the consent of the owner of the mine.

Mr. FOSTER. Not without the consent of the owner of the mine.

Mr. BOWMAN. It would not be in behalf of the private person or the owner of the mine in case of an accident in which the lives of many men might be in question; that would not be in behalf of the private person or the private mine owner.

Mr. FOSTER. I think if an accident occurred in a mine owned by private persons that the employees of the Bureau of Mines would not have authority to go in if permission was refused by the mine owner. I think the Government has no right to go in there against the refusal of the mine owner.

Mr. MANN. Under section 2 it is contemplated, I take it, that the Bureau of Mines may go into a private mine and make studies not only of health conditions, but of all other mining conditions.

Mr. FOSTER. To a limited degree.

Mr. MANN. Not to a limited degree, except that the owner of the mine can keep them out; the authority, as far as we are concerned, is complete.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. If you can not go into private mines to study health and other conditions, and there are no public mines in this country, what is the object of this commission?

Mr. MANN. Oh, I think you can go in.

Mr. FITZGERALD. No; you can not.

Mr. MANN. Under section 2, as I understand it, it is the purpose to give to this mining bureau the authority, so far as we are concerned—that is, the authority of the expenditure of money—to go into a mine anywhere to study conditions. Of course, you may have to get the consent of the private owner.

Mr. FOSTER. You will always have to do that.

Mr. MANN. That is another question. If section 2 gives the authority to go into the mines to study health conditions or other mining conditions, why should we provide in section 4 that as to health conditions, which are the most important, they can not go in without obtaining the consent of the Secretary of the Interior?

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BOWMAN. In this next section, 4, it says in behalf of the owner and in the other section it is for the general welfare. That is the distinction.

Mr. MANN. I know, but there is no difference at all. The Government pays the expense. They go in to study the health conditions. It is necessarily in behalf of the owner and public both in every case. There is no authority except to study conditions and make report. If the purpose of section 4 is that this should be done at the expense of the private owner, it ought to say so.

Mr. FOSTER. Oh, no; I do not think so.

Mr. MANN. Oh, certainly. There is no excuse for section 4 except to permit the Government to go and make a study of conditions for the special benefit of the private owner, and if it is to be for the special benefit of the private owner, he ought to pay the bill.

Mr. FOWLER. Is not section 2 broad enough to give that authority and is not this a limitation?

Mr. MANN. I think section 2 allows them to go anywhere.

Mr. FOWLER. I think so, and is not this a limitation?

Mr. CARTER. Mr. Chairman, I want to ask the gentleman from Illinois a question, to further carry out his idea in respect to the private ownership of mines. I believe the gentleman has stated that this bill would not permit this commission to go into privately owned mines without the consent of the owner of the mine?

Mr. FOSTER. Certainly not.

Mr. CARTER. We have in Oklahoma an application of the conservation theory. That is, we have mines there which are owned by the Indians but worked on a lease basis, with a royalty pay to the Government for the Indians of 8 cents per ton. What I want to ask the gentleman is this: What would be the effect of his bill on those mines? Would it permit this commission to go into those mines without the permission of the owners of the property? Would the commission have to go to the owners or the lessees of the property, or to whom would they have to go to get permission to make the investigation?

Mr. FOSTER. I think they would have to go to the lessees of the property.

Mr. MANN. The gentleman means, as I take it, that the General Government has certain authority to make investigations and study. It has no authority to confer the right to go into a man's private home, or his private office, or his private property for this purpose. We give all the authority we have to



study. It is up to the men who are doing the studying to get into the place where they can do it, and that must be by private consent.

Mr. FOSTER. Certainly.

Mr. CARTER. Would this be considered private property, being owned by the Indian tribes?

Mr. MANN. If a man holds a lease on property, it is just as much private property as long as the lease is outstanding as though he owned the property itself.

Mr. CARTER. But the title to the real property is in the Indians, and the Federal Government is the guardian of the Indians.

Mr. MANN. Yes; but if the gentleman rents the house from me and moves into it, during his lease from me he is the owner of the house.

Mr. CARTER. Suppose something became radically wrong with the house and needed repair.

Mr. MANN. That is a matter of what the terms of the lease provided. I would not be entitled to go into a house if you had a lease giving you the right of the house during a certain term.

Mr. CARTER. So the gentleman considers this would not give any authority to go in without the permission of the lessee.

Mr. MANN. When the gentleman says permission, you can not go there over their protest. I guess they have to have a special permit to go in any mine. Mr. Chairman, I do not know I shall offer an amendment, because I have not formulated one—

Mr. FITZGERALD. There is one pending.

Mr. MANN. I do not think this provision ought to be in section 4. Section 2 gives to these officials the authority to make study in reference to mines, both as to health conditions and otherwise. The authority is broad and general, it is complete. The only thing left is for us to furnish the money for officials and for the officials to obtain an opportunity to make that study. Now, on what theory do you propose to limit that authority as to health conditions while continuing authority as to all other conditions? You can not tell me that it is more important to give these officials the right to go into a mine to study the preparation or utilization of mineral substances, to study the prevention of waste in mining or quarrying, or investigating explosives in the mine, that that is more important than it is to study the health and safety of the persons employed in the mine. The gentleman would leave the bill in such shape that the mining officials have authority, so far as we are concerned, to go into the study of the subject of explosives, but they can not go into the study of the subject of the health or safety of miners without getting a special permit.

Mr. FOSTER. The study of safety appliances, explosives, all of those subjects connected with the mine, would be included in this provision, including the safety of the employees.

Mr. MANN. Not at all.

Mr. FOSTER. Oh, yes.

Mr. MANN. Section 2 covers health conditions. It covers the question of increasing safety. Those are two items. It covers economic development of mining; it covers the prevention of waste in mining; it covers the investigation of explosives in mining, all separately in section 2. Under that we give general authority to go into the mine. Then you turn over to section 4 and you strike out these and everything except the study of health and safety of persons.

Mr. WILSON of Pennsylvania. The gentleman is entirely wrong.

Mr. MANN. The gentleman is not mistaken at all. That is absolutely what it is.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I want to call his attention to the fact that section 4 is just the reverse of what the gentleman says. It says:

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed.

And so forth.

It does not in any manner modify the authority that is contained in section 2 with regard to investigating conditions of health and safety, so that the gentleman's position is wrong.

Mr. MANN. Under section 2 authority is given to go into the mine and to make these studies by anybody for any of the purposes covered by the provisions, and the provisions are very full, but in section 4 you limit the authority to go into the mine to study health conditions and safety conditions until you get the approval of the Secretary of the Interior. You say, "in behalf of any private party." That amounts to nothing; it neither adds or detracts if the mines are owned by private

parties. You can go into any man's mine, but under the terms of section 4—you have no authority to go into a private mine to study health conditions or the safety of persons employed without obtaining the consent of the Secretary of the Interior.

The CHAIRMAN. The 15 minutes has expired under the last extension.

Mr. MANN. Mr. Chairman, I ask for recognition; it is not our fault that the Chair does not enforce the rule.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be recognized for five minutes additional.

Mr. MANN. Have I been recognized heretofore by the Chair? I am very sure I did not have 15 minutes.

The CHAIRMAN. The gentleman had 15 minutes, although he did not get it from the Chair.

Mr. MANN. I beg the Chair's pardon. I ask for recognition from the Chair.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois for five minutes.

Mr. MILLER. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. MILLER. I understood the gentleman to state that it was no doubt the intention in the preparation of the bill that any investigation in behalf of private parties should be paid for by the private party—that is, the one receiving the benefit of the investigation—but it had not been carried out.

I call his attention to section 5 and ask him, if, in his judgment, that section is not carrying out all the proposition that he suggests and whether or not section 5 should not be construed in conjunction with section 4?

Mr. MANN. Well, I do not think that that covers it. I think that section 4 is not intended as a limitation upon section 2. If it is intended as a limitation on section 2, I do not think it ought to be in here. If it is not, it is intended as an extension of authority to do this work for private parties, and if that is the case, then the private parties ought to pay for it.

Mr. MILLER. If the gentleman will permit, my understanding is that there has been an important distinction between sections 2 and 4. It seems to me, whether I understand it correctly or not, section 2 contemplated what might be termed more or less theoretical investigations, and consideration of the subject matter therein expressed.

Mr. MANN. The gentleman will notice that section 4 does not cover anything in section 2 except the study of health and safety.

Mr. MILLER. I understand that.

Mr. MANN. If it is a limitation, it ought not to be in here. If it is not a limitation and it is intended to make a special study for the benefit of private owners, they ought to pay for it. That is not required by section 5.

Mr. MILLER. The only authorization for the Secretary of the Interior to make a private investigation, so far as I know, is in section 4. Admitting that some company operating a coal mine desired to install such improvements as to promote the health and safety of the miners, and was perfectly willing to pay the expense of the Government in investigation and recommendation in that respect, would the gentleman not think it was perhaps proper that authorization should be extended to the Bureau of Mines to make that investigation if it was paid for?

Mr. MANN. So far as I am concerned, they ought to have very full authority to do it at their own expense.

Mr. MILLER. Does not the gentleman think that section 5 is sufficient to meet the expense? I can find nothing else in the bill, so far as I read it, authorizing the Secretary of the Interior to make any investigation except this in section 4.

Mr. MANN. Section 5 is obligatory. It says:

Authorized by the Secretary of the Interior under the provisions of this act—

"Under the provisions of this act"—

other than those performed by the Government of the United States or State government within the United States, a reasonable fee covering the necessary expenses shall be charged.

It is possible that would cover it.

Mr. POWERS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. POWERS. Is it your conception that section 3, which gives the Bureau of Mines the authority to investigate these matters for private individuals, section 3 only authorizes the Government to do that particular thing, or does that reach back and cover these other things in section 2?

Mr. MANN. I remember when these things were put in the law as under the Geological Bureau, it was provided that certain investigations should be made only of materials on public land or for the use of the United States. I will not undertake

to construe it, but it looked very plain, and no department has ever construed it to mean that.

Mr. POWERS. The gentleman has overlooked the more comprehensive authority given before the part he has read, namely:

Investigations concerning mining, and the preparation, treatment, and utilization of mineral substances.

Without any limitation.

Mr. MANN. They have made investigations for years without any limitation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, my understanding of the words in section 4, to which the gentleman from Illinois [Mr. MANN] has referred, namely, the undertaking of investigations in behalf of private parties, is that it contemplates investigations that would not be general in their character and which would be clearly in the interest of, or, as the language of the bill is, "in behalf of a private party."

And section 5 provides for a charge in such cases. If that is not the meaning of the two sections, I should have the same objection to them that the gentleman from Illinois [Mr. MANN] has voiced or suggested, but it seems to me that that is the fair interpretation of the language. As a matter of fact, it is the only reasonable interpretation of the language. It could scarcely be called an addition to the authority which the bureau has under section 2. It is a further direction with regard to a certain character of investigations or operations which might be held to be contemplated by section 2. This language in section 4 makes it clear that such investigations in the interests of private parties were not contemplated by section 2 except by direction of the Secretary of the Interior and under the fixed scale of charges.

Mr. BOWMAN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. BOWMAN. And an amendment has been offered striking out, on page 3, lines 17 and 18, "with the approval of the Secretary of the Interior" where it is now placed and putting it elsewhere.

Let me read it as it is corrected:

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party except for the health and safety of persons employed—

And so forth.

And in that case, by the consent of the Secretary of the Interior. That, as I read it, is a qualification on section 2. Section 2 gives the general right. Now comes the qualification in section 4 which gives the bureau a special right to undertake an investigation for the health and safety of persons employed.

Mr. MONDELL. I suppose the amendment is more or less immaterial. Perhaps it makes it a little clearer, but it seems to me that sections 4 and 5 are quite clear as they stand, construed together.

Mr. MARTIN of South Dakota. I was going to suggest this: Would not the amendment be clear if, in lines 17 and 18, on page 3, the words "except with the approval of the Secretary of the Interior" should be omitted, because the general authority given in section 2 is under the direction of the Secretary of the Interior, and I think that by repeating that, "except with the approval of the Secretary of the Interior," it qualifies and lessens the force of what follows. The exception is for the health and safety of the persons employed in mining.

Mr. MONDELL. If the gentleman from South Dakota will notice, the provision in section 2 is a general provision such as is included in all of the organic acts of such bureaus, that the operations of the bureau shall be under the direction and control of the Secretary. This is a somewhat different and more specific provision, requiring the approval of the Secretary in specific cases, and it means something more than the words in section 2, which simply provide, as they should, that all the operations of the bureau shall be under the general direction of the Secretary of the Interior, who is responsible for the conduct of the bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word. I only want a moment's time. It does seem to me that the use of that language, "with the approval of the Secretary of the Interior," after the word "except," in lines 17 and 18, gives prominence to language that is not intended to be made prominent in that section. I think if we should leave out entirely the words "with the approval of the Secretary of the Interior" and have it simply to read, "except for the health and safety of persons employed in mining," investigations could not be made on the solicitation or for the benefit of private parties except for purposes of health and safety of employees. If it is thought best, however, to make it appear that even those must be under the direction of the

Secretary, that language, "with the approval of the Secretary of the Interior," could be inserted later.

Mr. MANN. That is the amendment that is pending.

Mr. MARTIN of South Dakota. If that is it, the gentleman will pardon me for having lost sight of the amendment in the midst of so much discussion upon it.

Mr. MANN. Mr. Chairman, I ask for a division of the amendment, so that we may strike out the words "with the approval of the Secretary of the Interior" in lines 17 and 18, and leave that out.

Mr. MARTIN of South Dakota. I think if they were left out nothing would be lost, and by keeping them in a good deal of confusion would be given to the section.

Mr. FOSTER. I think they make the section clearer. It does not give the Bureau of Mines the right to go into private property, but it requires them to have the approval of the Secretary.

Mr. MARTIN of South Dakota. If you want more limitation placed on the Secretary you ought not to have it in any place except the place where it is given, preceded by "except."

Mr. MONDELL. It seems to me that the words "with the approval of the Secretary of the Interior" should be put in at some point. In administration the effect would be this: That while the general operations of the bureau would be carried on by the Director of the Bureau of Mines under the general direction of the Secretary and under general rules and regulations promulgated by him, the sort of investigation proposed here in each specific case would, as a matter of administration, be referred to the Secretary's office before being entered upon. It occurs to me that is probably a wise provision.

Mr. MARTIN of South Dakota. If the provision is wise, it ought to be dropped after the word "except," because it seems to qualify the exception. I think the amendment to strike it out where it follows the word "except" is very proper, and there could be no objection to adding the same language after the word "industries," in line 20. Then it would read, "except for the health and safety of persons employed in the mining, quarrying, and metallurgical or other mineral industries, with the approval of the Secretary of the Interior."

Mr. WILSON of Pennsylvania. That is the amendment that is pending.

Mr. MARTIN of South Dakota. Then, please construe my remarks as supporting the pending amendment.

Mr. POWERS. Would it not be better to leave out altogether the words "with the approval of the Secretary of the Interior"?

Mr. MARTIN of South Dakota. Why?

Mr. POWERS. Because in a mine owned by private individuals, in the case of an accident where you might want to rush a mining rescue car into the mine for the relief of the entombed miners, you would be put to the necessity of waiting to get authority from the Secretary of the Interior.

Mr. MONDELL. Does the gentleman understand that any such accident would come under the provisions of this section?

Mr. POWERS. Where does it come?

Mr. MONDELL. That is the ordinary work of the bureau.

Mr. POWERS. Where do you get that authority?

Mr. MONDELL. That is not in the interest of private individuals. It is in the interest of the general public.

Mr. POWERS. Will the gentleman please point out where that authority is given?

Mr. MONDELL. In section 2.

Mr. POWERS. Point out the particular part of section 2 where you get that authority.

Mr. MONDELL. It is clearly granted in that section, as I endeavored to point out on a former occasion.

Mr. POWERS. You do not point it out.

Mr. MONDELL. Because whatever the bureau does will be with the approval of the Secretary of the Interior, and they will not be hampered by the fact that they have authority over it.

Mr. FOWLER. Is it not a fact that if section 4 is not maintained in the bill that the power afforded the Bureau of Mines and Mining in section 2 might be abused for the benefit of individuals instead of for the public?

Mr. MARTIN of South Dakota. Quite possibly; but I think if the amendment is in the language suggested it will meet the situation.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I want to appeal to the Members to let us dispose of this bill. We have been here for three Wednesdays on a four-page bill having the unanimous report of the committee and recommended by the Interior Department and the Chief of the Bureau of Mines and Mining. There are about 400 Members here, and we are drawing \$20 a day. We have virtually expended \$25,000



in the consideration of the bill which we ought to have passed in two hours.

Mr. FITZGERALD. Which never ought to be passed at all.

Mr. AUSTIN. Well, then, vote it up or vote it down. It ought to have been disposed of in two hours. If the American people could see and understand our methods, they would be completely discouraged and disgusted with the American Congress.

There are 57 committees, and they have been working industriously to get on the calendar bills that are of local and general interest. They are here, and the only way to have them considered at all is either by unanimous consent or by their consideration under the call on Calendar Wednesday. There are just 52 Wednesdays in the year, and we are in session about six months during the long term. Here we are rushing to adjourn this Congress with this calendar filled with important bills that many of us are interested in, and we will have 3 months or 90 days' session beginning in December, and it will practically require all the time to pass the supply or appropriation bills, and we will be virtually without an opportunity to dispose of this legislation. Then the new Congress will come along, and we will work over these bills again and put them on the calendar.

I come here every day interested in trying to discharge my duties as a Member of this House, and I admit that I am thoroughly disgusted at the manner with which we are trifling with the public business. I wish there was some way or means by which we could stop it and make good by passing needed legislation for the people that sent us here. [Applause.]

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate be closed on these amendments in two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the amendments close in two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, our distinguished friend from Tennessee [Mr. AUSTIN] sometimes gets impatient. Here is an illustration. He complains because the House is considering this bill. What is the bill? It is a bill of great importance—to amend a law passed only two years ago, while the gentleman from Tennessee himself was on the floor urging then, as he does now, that the bill be passed without consideration. It was passed then, and it ought to have had full consideration then. If it had been fully considered there would be no occasion now to take up the time of the House in amending it. It was because gentlemen in the House who were so impatient then to pass a bill, regardless of consideration, without attention to its details, that within two years' time the House is called upon to entirely remodel the law, correct the bill, strike out everything that was in it, and to insert new things. Certainly, having that experience in mind, it is perfectly proper that the House give consideration to the details of a law to create and maintain a bureau of tremendous importance; the original law having failed to accomplish the purpose. [Applause.]

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from Illinois, to strike out the words "with the approval of the Secretary," in lines 17 and 18, page 3.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the next amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 20, after the word "industries," insert the words "and with the approval of the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

Mr. FITZGERALD. Mr. Chairman, I want to call the attention of the gentleman from Tennessee to the fact that the gentleman in charge of the bill has offered a great many more amendments to it than any of the rest of the gentlemen on the floor, if the bill has the unanimous report of the committee.

The Clerk read as follows:

Page 3, line 24, after the word "mines," insert "at a compensation not to exceed \$10 per day."

Mr. FITZGERALD. Mr. Chairman, I move to strike out the proviso.

Mr. FOSTER. The gentleman can not do that now.

Mr. FITZGERALD. I want to protect my rights.

Mr. FOSTER. I think the gentleman from New York knows the rules.

Mr. FITZGERALD. I simply wish to state to the Chair that I desire to offer an amendment to strike out that proviso.

Mr. FOSTER. I will say that the gentleman is not in order now.

Mr. FITZGERALD. I am in order to raise a question of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] offered an amendment, and the Chair has recognized him on that amendment.

Mr. FITZGERALD. That does not preclude me from stating a question of order.

Mr. MANN. What is the question of order?

Mr. FITZGERALD. I state to the Chair that I desire to offer an amendment to strike out this proviso, and in view of the experience of the Chair recently in this House I wish to know whether the Chair will hold that the motion will be in order after the disposition of the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair is very clearly of the opinion that the gentleman from Illinois [Mr. FOSTER] is entitled to the floor on his amendment perfecting the proviso before the gentleman from New York is in order to move to strike it out. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. FOSTER. The amendment that I have offered is to limit the compensation of any expert help which the Bureau of Mines may employ temporarily, so that it shall not exceed \$10 a day. During the general debate some question was developed in the minds of those here about this provision. I do not desire to take up that matter now, but would like to have a vote first upon the question of the compensation. Then the amendment of the gentleman from New York [Mr. FITZGERALD] can be taken up later. I want to state in addition that this is an amendment which was suggested after the bill had been reported, the committee thinking it proper that it should be limited.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. As I understand the proviso, it is a mere limitation upon the provision that no person shall be employed who has any personal or private interest in a mine or mines under investigation?

Mr. FOSTER. Yes.

Mr. MANN. Might it not readily occur that they might wish to employ somebody who was connected with some mine in the investigation of some other mine, where they might have to pay more than \$10 a day? I take it that this is in the main intended for temporary employment.

Mr. FOSTER. Exactly; that is what it is meant for.

Mr. MANN. You might get people to work for nothing, to get the credit for it, but as a rule you do not get the most expensive people to work for \$10 a day, because then they get neither money nor credit.

Mr. FOSTER. I think my colleague is probably correct as to that, but the intention is that a mining engineer outside of the Bureau of Mines, who might own an interest in a mine, could be employed for temporary work for investigation of some kind that might last a little while.

Mr. MANN. But here is a mine owner who may be a brilliant man. They may want his services at some other mine for two or three days in case of accident.

Mr. FOSTER. Yes.

Mr. MANN. You might get his services for nothing, but you would not get them for \$10 a day.

Mr. FITZGERALD. You would not get his services for nothing, because the law prohibits that.

Mr. MANN. Oh, I understand; but under this provision you might get him for nothing if you had the power, but you probably would not get him for \$10 a day. You might get him for \$50 a day or \$100 a day for two or three days.

Mr. FOSTER. In a conversation with the Director of the Bureau of Mines it was stated, just as my colleague says, that it is a difficult matter to get these men at \$10 a day.

Mr. MONDELL. It seems to me that there is some misunderstanding as to the character of this provision. As I understand it, this is not a prohibition against employing men who are interested in mines. It is a prohibition against employing a man interested in a mine or the products of a mine that is under investigation, and the exception would allow the employment of a person who is interested in the mine which is being investigated.

Mr. FITZGERALD. No.

Mr. FOSTER. No.

Mr. MONDELL. There is no punctuation here.

Mr. MANN. Do I understand the gentleman from Wyoming to claim that the director of this bureau may own a mine?

Mr. MONDELL. If the gentleman will read the language—

Mr. MANN. I have read it a number of times. I admit it is susceptible of doubt.

Mr. MONDELL. If that is the intent, then there should be a punctuation point.

It says:

Nor shall the director or any member of said bureau have any personal or private interest in any mine or the product of any mine under investigation.

That is not a prohibition against their having an interest in a mine. If that is the intent, then it should either be differently written or it should be punctuated.

Mr. MANN. I think it means any mine or the products of any mine under investigation. You can not tell whether he is going to be interested in the product of a mine under investigation in advance, but you can tell whether he is interested in any mine or not.

Mr. MONDELL. If the intention is to prohibit the director or any member of the bureau from having any interest in any mine that may be investigated, within the general scope of the activities of the bureau, then the words "under investigation" should be stricken out.

Mr. MANN. No. Here is the point. It is intended to prevent the director having any interest in any mine, but he can still buy his coal from a mine that is not under investigation; but if he is investigating a coal mine he can not buy coal from that mine.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to amend by striking out lines 23, 24, 25, on page 3, and lines 1 and 2 on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by striking out lines 23, 24, and 25, and page 4 by striking out lines 1 and 2.

Mr. FITZGERALD. Mr. Chairman, this amendment is offered to prevent the repetition of what was the practice in that branch of the Government service under which this work was conducted before the organization of the Bureau of Mines. Before the organization of the Bureau of Mines the technologic branch of the Geological Survey conducted this work. In 1908 an investigation disclosed that a number of men who were employed as professors in various colleges or who were employed by various States in official capacities were upon the paid roll of the technologic branch of the Geological Survey, and were receiving from the Federal Government, in addition to their other compensation, compensation at the rate of \$8 or \$10 per day. In addition, they were allowed at the rate of \$2.50, or otherwise, for clerical services. In a hearing held by the Committee on Appropriations in 1908 the following transpired:

The CHAIRMAN. In your letter addressed to me as chairman of the committee, under date of March 20, 1908, you state:

"The following were employed during the larger portion of their time on regular duties connected with college instruction, and were appointed in a consulting capacity to the Geological Survey and paid only for time devoted to such consultation, and the proportion of working time for which they were actually so employed in the service of the United States has been about one-third in each case, except as otherwise indicated."

Then follows:

"Prof. R. H. Fernald, consulting engineer, gas-producer tests, is professor of mechanical engineering, Case School of Applied Science, Cleveland, Ohio, at about \$3,000 per annum. His survey compensation is \$10 per day when actually employed."

"He is also allowed a stenographer, at \$2.50 per day, when actually employed."

"Prof. N. W. Lord, chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about \$1,800 per annum. His survey compensation is \$10 per day when actually employed."

"Prof. L. P. Breckenbridge, consulting engineer, steam tests, is professor of mechanical engineering, University of Illinois, Urbana, Ill., at about \$3,000 per annum. His survey compensation is \$10 per day when actually employed."

"Edward E. Sommermeier, assistant to chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about \$1,200 per annum. His survey compensation is \$8 per day when actually employed, his working time in the service of the United States being about one-half."

"Prof. Charles A. Davis, consulting expert, peat investigations, is professor of geology of the University of Michigan, at about \$1,500 per annum. His survey compensation is \$7 per day when actually employed."

Then, there are 15 engineers, chemists, geologists, and collaborators named in this letter, who receive compensation of from \$5 to \$10 per day when called in consultation.

In other words, these gentlemen, all employed by different universities and colleges and in other employments at a fixed annual compensation, conducted certain tests in the laboratories in which they were supposed to discharge the duties for which they were being employed by those institutions and were paid by the Government of the United States.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. One moment. They would state the portion of their time which they had devoted to the work of the Federal Government and collect from \$5 to \$10 per day for their services. I now yield to the gentleman from Minnesota.

Mr. MILLER. Does not the gentleman think that where a professor of chemistry in a great State university, like the State University of Ohio, gets only \$1,800 a year, and his assistant gets \$1,200, it would be in the interest of humanity and the promotion of science and education for the Government of the United States to come to the relief of such a State and also of the professors and pay them extra money?

Mr. FITZGERALD. Mr. Chairman, I decline to yield any further.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I suppose this is of sufficient importance not to be trifled away by any such frivolous remarks as the gentleman from Minnesota tried to inject into what I was saying.

If this Bureau of Mines is of such character and so important an institution of the Federal Government, it has and will have, regardless of what the belief may have been as to the propriety of establishing the bureau, such technical and other assistance as are required to perform the work devolving upon it. It is a very bad and indefensible practice to have scattered throughout the country certain technical and scientific gentlemen, devoting the greater, if not the major, or nearly all of their time to some private employment, to be upon the pay rolls of some Government bureau, making casual investigations, being consulted and advertising themselves as United States Government experts in order to aid their private employment. We have had a notorious case of that character right under our own observation here within the last few years. The practice, in my opinion, Mr. Chairman, can not be defended; it is not good administration. If those gentlemen's services are required and needed, they should be had exclusively for the Government. We should have the benefit of their training and ability—

Mr. BOWMAN. Will the gentleman yield?

Mr. FITZGERALD (continuing). And we should employ them in the bureau. We should not encourage this cooperation in the discharge of the Government business by the establishment of a number of independent agencies throughout the country supposedly under the control of the Bureau of Mines but actually not.

Mr. BOWMAN. I think the purpose of the committee and the purpose of the bill in this case was to get the services of men, particularly in the case of accidents, where men in a given locality would know something about the particular mine in question. That has been one of the principal questions that has arisen when the bill was considered by the committee.

Mr. FITZGERALD. If that has been the intention of the committee, it has not been fortunate in expressing its purpose. Under this provision and under the amendment adopted at the suggestion of the gentleman from Illinois the purpose is to reestablish a practice which was stopped a few years ago. It should not be reestablished. Gentlemen who are employed by these universities or employed in departments of a State conducting similar work should be confined to that work and should not have their incomes increased by such employment and have the advantage of advertising to the world that they are experts of the Bureau of Mines of the Government of the United States in order to aid them in securing additional employment at largely increased compensations.

Mr. MONDELL. Mr. Chairman, it seems to me that the argument of the gentleman from New York proves too much. Any head of a Government bureau who will employ and pay out of the Federal Treasury for alleged services not actually rendered under a provision like the one under consideration, would also take in the Government service and retain in the Government service an altogether useless and unworthy person. [Applause.] The gentleman objects to an abuse which he says the committee discovered several years ago. My opinion is that the official or officials who are responsible for that abuse, if it existed to the extent the gentleman believes it did, should have been relieved of their positions. That is the way to cure that kind of abuse. [Applause.] I have a great deal of sympathy with the gentleman's feeling with regard to that sort of thing. My attention has been called to it on several occasions, and at one time I offered an amendment to the agricultural appropriation bill, which is still carried on that bill, to prevent exactly that kind of abuse; and yet it is true, and



the gentleman from New York will agree with me that it often occurs that there are men outside of the Government service, men who do not care to go into the Government service, men to whom permanent Government employ does not appeal, who can render exceedingly valuable service temporarily, either in a specific investigation or in the preparation of papers in which they set out for the use of the public the results of their experiences and investigations. Now, that sort of thing may be exceedingly valuable, and every Government bureau, it seems to me, ought to have an opportunity, with proper safeguards, to avail itself of that kind of useful service, and if we discover that a head of a bureau is abusing that sort of permission, the way to cure it is to get a new bureau chief, because, as I said at the beginning of my remarks, a man who will abuse that kind of discretion will abuse any and all discretion lodged in him. But I do not believe it wise to deprive the public, the Government, the people, of the useful and beneficial services of experts in these matters simply because some bureau chief sometimes has abused the opportunity to employ such men. There have been abuses of a similar discretion, and at the time it occurred I think there was abundant reason for separating from the public service the men under whose authority that abuse existed, but the provision itself is a wise one and is in the interest of the public service. We may very often, for a comparatively small sum, secure the benefit of the services or experience of men who have had vast and varied experience. We may be able to secure views and opinions from men who have widely investigated important subjects, and in many cases that is the cheapest way of securing the information and obtaining the investigation which we desire. I will join the gentleman from New York [Mr. FITZGERALD] in surrounding this provision with safeguards so as to make its abuse difficult, and then I will join with him in insisting upon the separation from the public service any man who is so careless of his obligations as to abuse the discretion given him.

Mr. CANNON. I move to strike out the last word. I am in harmony with this amendment to strike out this proviso. I had a bit of conversation—and I do not care to quote the name of the gentleman with whom I had it—with a man that is very familiar with this service and has been, if not now, connected with it, and is entirely friendly to the bill. I objected to this proviso. I said, "What is the object of it? It is broad, without any limitation." He said, "Perchance, if we want to investigate a condition in a certain mine or mines, we sometimes go and find an employee or somebody who lives in the neighborhood who knows about the conditions." I said, "Do you not propose to have fair men and able men for inspectors—experts that have no interests or feeling, that do not in any way care about who owns the mine or operates it—and do you not think you can get better service, although you might have to pay traveling expenses?" He said, "I do not know but that is so."

Now, I am aware of the abuse that the gentleman from New York [Mr. FITZGERALD] has referred to, and I apprehend that perchance the truth is not one-tenth part told. This is a great service. Here is an important bureau, and I am in sympathy with it and its work. It is true it goes by permission. And yet there is a great result to be gained even when the United States volunteers to make the investigation, when only ordinarily permission is given—frequently invited—and it is of such importance that I am for this bureau. But let us read:

*Provided, That nothing herein shall be construed as preventing the employment by the Bureau of Mines in a consulting capacity—*

Do you not see that is permanent?  
or in the temporary investigation of special subjects—

Of whom?

of any engineer or other expert whose principal practice is outside of such employment by said bureau.

A lump sum appropriated for; they do not keep track of it, and perhaps there is favoritism. The United States, when it makes the appropriation, is entitled to utilize the service of competent employees, and this service is so important that I desire that the Bureau of Mines will never lack for a sufficient appropriation to carry on this work, but employ, from the head of that bureau down to every inspector, very skilled and competent men, unprejudiced and unaffected by local conditions.

Mr. BOWMAN. Will the gentleman yield?

Mr. CANNON. I will.

Mr. BOWMAN. As one who has had some experience in mining, I would say that it is utterly impossible for the United States to employ sufficient men to carry out the purpose of this bureau properly without the authority to employ men in special cases as provided for in that section. Let me illustrate. An accident is likely to occur in any given section. Even the inspectors cover a wide area. It is impossible for them to be fully acquainted with the conditions in all of these mines. There may be a man many times—

Mr. CANNON. I did not yield for the whole of my time.

Mr. BOWMAN. I thought the gentleman wanted a statement.

Mr. CANNON. Well, I have it, in substance. Now, mind you, what can be done when the bureau, or its agents, goes to the mines? But this is what? It is far broader in a consulting capacity, permanent employment of somebody that has employment outside, or in a temporary investigation of special subjects—any engineer or expert who is from professional practice outside of such employment of said bureau. I shall vote for the amendment for the reason assigned and for many others that I think might be assigned.

Mr. WILSON of Pennsylvania. Mr. Chairman, so that there may be no misunderstanding as to the purpose of this proviso, I want to say that the committee did not have in mind, as suggested by the gentleman from Pennsylvania [Mr. BOWMAN], the payment of men for brief periods of time to show the agents of the bureau through a mine when a disaster has occurred. Nothing of the kind entered the minds of the committee. As a matter of fact, whenever any disaster has occurred in any of the mines of the United States, if there were any of the men alive and at liberty, they were willing without compensation to go through the mines in search of those who still remained there. So it does not require compensation for that purpose. But what they did desire to do was to secure the services of men who were conversant with the local conditions, secure those services in a consulting capacity, and get their advice and their knowledge of local conditions in the carrying out of the general work of this bureau.

For instance, in the region that the gentleman from Pennsylvania [Mr. BOWMAN] comes from, they have immense cave-ins, where the surface goes down into the mine where the coal has been removed. Experiments are being made of methods by which the workings can be filled, so that those cave-ins will not take place.

It is a benefit to the entire community to prevent those cave-ins from taking place. The engineers who are employed in that region are more familiar with what has been accomplished, the experiments that have been made, the results that come from those experiments than any engineers that are employed by the bureau. To be able to consult with them with regard to work of that kind would enable the bureau to get information necessary to proceed upon much more cheaply than if they had to go into that region and begin the study of the entire subject from the beginning. And what applies to cave-ins in the anthracite region applies also to the local conditions in almost every mining field in the United States. There are no two of these fields where the conditions are exactly alike. There are no two fields where the composition of the coal is exactly the same. The composition is different, and, being different, there is a difference in inflammability with the coal dust in those fields. The men who are regularly employed as engineers and experts in those fields know more about the actual qualities and conditions surrounding the fields than any expert from the Bureau of Mines would know who might be sent in there for the purpose of making an investigation; and by having this proviso inserted here will enable the bureau to go into these fields and avail themselves of the information which these experts and engineers have, and from that basis of acquired information proceed with the investigations.

In my judgment it would be an assistance to the bureau and a benefit all around to allow this proviso to remain in here, and to guard it and watch it so that it will not be abused, as has been the case where this power has been given to some bureaus, as stated by the gentleman from New York [Mr. FITZGERALD]. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 25, strike out the word "temporary," and in line 24, page 3, after the word "the" and before the word "employment," insert the word "temporary."

Mr. CANNON. So that it will read—

Mr. MONDELL. Mr. Chairman, as amended, the paragraph or proviso will read as follows:

That nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, in a consulting capacity or in the investigation of special subjects, of any engineer—

And so forth.

It applies the word "temporary" to all of this employment, instead of to the latter character. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment: On line 24, page 3, after the word "mines," insert the words "with the consent of the Secretary of the Interior."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend, page 3, line 24, by inserting, after the word "mines," the words "with the consent of the Secretary of the Interior."

Mr. FOSTER. Let me ask the gentleman this question: These experts are employed through the Secretary of the Interior, of course?

Mr. RAKER. No; not at all.

Mr. FOSTER. Yes; and when one of them is employed, they must notify the Civil Service Commission.

Mr. RAKER. Oh, no.

Mr. FOSTER. Oh, yes; they do. I know what I am talking about.

Mr. RAKER. On this particular subject the language is different. On lines 23 and 24 it provides "that nothing herein shall be construed as preventing the employment" of these men "by the Bureau of Mines." Now, that is a special provision, and it does not relate to the control of this temporary employment by the Secretary of the Interior.

Mr. FITZGERALD. Let me suggest this to the gentleman from California: The Bureau of Mines is an important bureau. I think its appropriations amount to about \$500,000 a year.

The bureau ought to be permitted to have some power. The Secretary of the Interior can not bother to act simply as Chief of the Bureau of Mines, and if everything that the director has to do is so tied up with these restrictions, requiring the specific approval of the Secretary of the Interior, we might better abolish the position of Director of the Bureau of Mines.

Mr. RAKER. No. His power is somewhat extended, and we think rightfully, by this bill. This is a special authorization to get men outside of the service for particularly important subjects.

Mr. FOSTER. Suppose you were to strike out their employment by the Bureau of Mines. Then they would be employed by the Secretary of the Interior.

Mr. RAKER. They would be employed as other people are. It comes to the same thing if you take it out, but I do not believe employment as vitally important as this ought to be left to the bureau alone. This provision would require the joint action of the bureau and the Secretary of the Interior. I want to do everything I can to make this bureau efficient. It is a great bureau and doing great work for the general mining interests, and I would rather extend than curtail it in any way. The miners of the West have been working for this bureau for years. They want its activities extended to the mining of the West. This bill will permit it. Every consideration possible should be extended to the miner and his great industry.

Mr. FOSTER. It is done through the Secretary of the Interior, anyway. The gentleman might move to strike out the words "by the Bureau of Mines."

Mr. RAKER. I withdraw my present amendment and simply move to strike out the words "by the Bureau of Mines."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the words "by the Bureau of Mines."

Mr. RAKER. That covers it.

Mr. MILLER. I do not care to be heard to any extent, but I sincerely hope that that amendment will not prevail. It seems to me utterly absurd to provide for an elaborate, large bureau like this and put at the head of it a very able man, like the one who is in charge of it now, and say that he can not hire a man for one day to go to some mine to see what the health conditions of that mine are. It seems to me the height of absurdity, and that it would cripple the utility of this bureau most effectively.

Mr. RAKER. Mr. Chairman, the director of the bureau has the power and authority under the bill to get the necessary assistance. That is the purpose of it. Now, you are going to give him the power to get engineers and experts outside of the service. When it becomes necessary for him to do that, because of the importance of the circumstances and surroundings or the value of the property, ought not the Secretary of the Interior and the Director of the Bureau of Mines to consult

over as important an employment as that when these high-priced experts are being employed?

Mr. MILLER. Now, the gentleman has stated a different state of facts and one entirely covered by the statement of the gentleman from Illinois [Mr. FOSTER]. As far as I am advised, and I have looked into it somewhat, the bureau has never employed and could not employ any man in the capacity suggested without the order of the Secretary of the Interior after consultation and report to the Civil Service Commission.

Mr. RAKER. Very well. This bill leaves it in such a position that the Bureau of Mines can do it.

Mr. MILLER. If the bureau needs to employ any distinguished engineer or any man for anything like an extended piece of work, like a general, comprehensive investigation of several mines, requiring a period of time, that must come under the methods suggested by the chairman of the committee.

Mr. RAKER. Is it not the very object and purpose to employ a man of standing and ability to make special investigations under the Bureau of Mines if, after consultation, the Secretary of the Interior thinks it is advisable and proper? This is no temporary 5-cent man's job. It is to be temporary work of a magnitude that requires a man of ability to investigate it.

Mr. FOSTER. These men are not employed except with the consent and authority of the Secretary of the Interior.

Mr. RAKER. I so understand it.

Mr. FOSTER. I do not favor the gentleman's amendment. I simply suggested that if he wanted to do so he could offer it in that way. The director can not make any employment now without the consent of the Secretary of the Interior, and will not in the future.

Mr. BOWMAN. I trust the gentleman will not insist on the change.

Mr. FOSTER. Let us vote.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

The Clerk proceeded with and completed the reading of the bill.

Mr. FOSTER. Mr. Chairman, the other day when this bill was under consideration the gentleman from New York offered an amendment to line 20, page 2, limiting the investigation of fuels to mineral fuels. The question was suggested by the gentleman from Minnesota [Mr. MILLER] that this might not include peat. I have investigated that question, and I find that probably the gentleman from Minnesota is right about it and that it is questionable whether it would include peat or not. That is an important matter to a State like Minnesota and some others, and I ask unanimous consent that the word "peat" be inserted so that it will read "peat and mineral fuels." The gentleman from New York has no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 20, insert the word "peat," so that it will read "peat and mineral fuels."

The amendment was agreed to.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise and report the bill with the several amendments to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. SHERLEY having taken the chair as Speaker pro tempore, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, and had directed him to report the same back, with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

Mr. FOSTER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, they will be put in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.



Mr. FOSTER. Mr. Speaker, it had escaped my memory for the time being, but there was some objection made to the words "United States," on page 1, line 9, of the bill, by the gentleman from New York, and I ask unanimous consent that the words "United States," page 1, line 9, be stricken out.

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote ordering the bill to a third reading, and recur to the second reading of the bill.

The SPEAKER pro tempore. The Chair was about to suggest that the request of the gentleman from Illinois will be modified to the extent of asking unanimous consent that the order for the third reading of the bill be vacated, and the words "United States," in line 9, page 1, be stricken out. Is there objection? [After a pause.] The Chair hears none. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MILLER and Mr. TAYLOR of Colorado, by unanimous consent, were given leave to extend remarks in the RECORD.

The SPEAKER pro tempore. The Committee on Mines and Mining having occupied two days, the Clerk will call the next committee in order.

The Clerk called the Committee on Public Buildings and Grounds.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERRY. Is the committee at liberty to call up bills without respect to the order in which they stand on the calendar?

The SPEAKER pro tempore. That is within the discretion of the committee.

#### CUSTOMHOUSE, BOSTON, MASS.

Mr. RODDENBERRY. Mr. Speaker, I call up the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building act, and for other purposes," approved March 4, 1909.

The SPEAKER pro tempore. The bill being on the Union Calendar, the House will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That section 11 of chapter 318 of the acts of 1909, entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building acts, and for other purposes," approved March 4, 1909, be amended by striking out, in the last three lines of said section, the words "including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension."

That such amounts as the Secretary of the Treasury has charged against the appropriation for the customhouse, Boston, Mass., for expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension of said customhouse shall be repaid to said appropriation from moneys in the Treasury to be hereafter appropriated.

Mr. RODDENBERRY. Mr. Chairman, this is a bill reported unanimously from the Committee on Public Buildings and Grounds. I yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, this bill has been rendered necessary by a situation which has developed in the city of Boston, Mass., in connection with the construction of the customhouse there. Several years ago it was found to be necessary to construct a larger customhouse at Boston, Mass. There was appropriated the sum of \$500,000 to purchase a site. This sum was found inadequate, and it was then determined that a building could be erected in which the customs officials could be housed by building a tall, square, tower-like structure on top of the present old granite building. The city laws do not allow buildings to be constructed to a greater height than 125 feet, but in order to enable the Government to save the purchase price which it would be obliged to pay for another location the citizens made no protest. There were then outlined plans for the erection of a customhouse about 500 feet in height which should be erected on the center of the present old granite building. Two million dollars were asked for the construction of the building, but Congress authorized the sum of \$1,800,000, and in granting that authorization put in the fol-

lowing language, which is section 11, chapter 318, of the act of 1909, approved March 4, 1909:

That the total cost of said enlargement, remodeling, or extension of said customhouse building shall not exceed \$1,800,000, including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

That is, that all of the expenses were to be taken from this \$1,800,000. The Treasury Department proceeded to hire an office building and to move the customs force into that building. Then the contracts were let for the construction of the foundation of the structure. These foundations have been all built, and when bids were received for the construction of the tower as originally planned it was found that the amount exceeded by some \$337,000 the amount available under the appropriation. The reason that it exceeded the sum was because of the fact that against this appropriation of \$1,800,000 there had been charged for architects' fees \$84,905.66, and for rent, services, and contingent expenses a sum of about \$262,421.76. In addition to that, the contracts for the foundations, which are already in, have come to \$349,732.01, making a total of \$697,059.43, which has been expended up to the present time. It will be necessary under this act, as now interpreted by the department, to continue to charge rent against this account, which would amount to \$200,000, and you have the amount decreased by the sum of \$897,059.43, which would leave a balance of only \$902,940.57.

The purpose of this bill is to remove from this account the charges for rent, so that there will be available for the construction of this building the sum of \$1,800,000, as was undoubtedly originally intended. At the present time the Government can not go on with the structure. The Government officials are housed in a temporary building, for which they are obliged to pay \$84,000 a year rent, which, together with other incidental expenses, amounts to \$97,000 per annum. Of course this expense for rent, and so forth, will cease as soon as the customs officials are housed in this building, and the delay in passing this act means to the Government the loss of the sum of about \$8,000 a month.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. BUTLER. There will be additional expense charged, necessarily, for temporary removal of this force. Some expenses have already been incurred, and there will be others, will there not?

Mr. PETERS. Yes.

Mr. BUTLER. Does the gentleman think the language of the bill is broad enough to cover the expenses in the future? If the gentleman will look at the language on the second page he will see that it reads—

that such amounts as the Secretary of the Treasury has charged, etc.

Does the Secretary of the Treasury have further amounts to charge?

Mr. PETERS. I think under the wording of the bill we propose to repeal the provisions of the first act under which these charges were made, and I think no future charges for rent could be made under this act as it is amended. The allotments and contracts which have already been made amount to \$697,059.43, and it is necessary to have this work start at once. The contract for the erection of the building above the foundation has been held up now pending the consideration of this measure, and each month that the contract is held up means just one month later that the Government officials will be placed in their quarters in the building, and that means \$8,000 paid out for rent of buildings and incidental expenses which would be saved as soon as these officials are housed.

Mr. AUSTIN. Will the gentleman kindly give the amount of Government receipts at the port of Boston?

Mr. PETERS. Compared with the receipts of the port of Boston this expense involves comparatively a trifling amount. There was received for the year 1910 in customs duties at the port of Boston the sum of \$29,634,555, that being next to the greatest receipts received at any customs district in the United States, second only to New York.

Mr. AUSTIN. This building, as I understand it, as contemplated will be large enough to house not only the present Government officials but for many years to come?

Mr. PETERS. It is expected it will meet all requirements for the customs service in Boston for at least 60 or 70 years to come, and that is as far ahead as any estimate or understanding can be made in regard to the matter.

Mr. BOEHNE. I would like to inquire of the gentleman why should we get ready to build a structure there to be ample for 70 years ahead?

Mr. PETERS. Well, there is a very rapid increase in the customs receipts at that port, and the size of this building has

been determined by experts as the size which will supply the needs of that port in the most economical way.

Mr. BOEHNE. Does not the gentleman think a building of 400 feet would have accomplished all that ought to be accomplished at this time and reduce the expenditures of this building to the amount in accordance with what was appropriated at the time?

Mr. PETERS. I am afraid not. The necessary foundations would have to be put in, and this building was worked out by architects having in view the most economical use of the space at hand.

Mr. SABATH and Mr. BUTLER rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. PETERS. I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. How much was the original appropriation for the construction of this building?

Mr. PETERS. One million eight hundred thousand dollars.

Mr. SABATH. How much has been expended up to date?

Mr. PETERS. There has been expended up to the present time \$697,095.43.

Mr. SABATH. And you maintain there will be a shortage of how much? How much will this bill carry?

Mr. PETERS. This bill carries no appropriation, but it allows—

Mr. SABATH. I know—

Mr. PETERS (continuing). But it allows the use of the original appropriation. At the time when the appropriation was made it was not expected that the items for rent, and so forth, would be so large nor that they would be subtracted from this \$1,800,000.

Mr. SABATH. Will the gentleman explain why the amounts are so high, namely, rent? Why has it been necessary to expend \$90,000 for a temporary structure in the city of Boston? That is, annually and not two years, if I am not mistaken.

Mr. PETERS. It was necessary to obtain particularly large quarters in order to house the whole customhouse force. I know nothing about the negotiations, but I assume they secured quarters as economically as possible.

Mr. SABATH. How many square feet are being used now for which the Government pays \$90,000 a year?

Mr. PETERS. It is a good-sized seven-story building in the city. I do not know what the floor space of the present quarters is.

Mr. SABATH. Where in the city of Boston is this building located which is now in use?

Mr. PETERS. Tremont Street and Temple Place.

Mr. SABATH. That is not the most expensive section of the city or it is not the real business section of Boston, is it?

Mr. PETERS. It is just about where the highest priced real estate property is located, in the vicinity of this building.

Mr. SABATH. Does the gentleman know who owns that building?

Mr. PETERS. No; I do not.

Mr. SABATH. Does the gentleman know who secured the lease for that building?

Mr. PETERS. I know nothing about the negotiations of the lease or who secured it. That went through the department, and I can answer nothing more than that.

Mr. SABATH. Does the gentleman know whether the department has made any effort to secure better and cheaper quarters than this building?

Mr. PETERS. I have never heard any complaints about it, and I do not know anything about it.

Mr. AUSTIN. I desire to state to the gentleman that it developed at the hearings that this was the only suitable building they could secure in Boston conveniently located to house all the Government employees in one building.

Mr. SABATH. Do I understand that there is no other building in Boston suitable for this purpose?

Mr. AUSTIN. The statement made by the representative of the Treasury Department to the committee was that this was the most suitable building they could secure conveniently located for the transaction of public business and large enough to house the entire Government force.

Mr. PETERS. A committee aided in finding a location for it, and I have never heard any criticism of the choice or of the rent.

Mr. SABATH. How long has this building been used now as a temporary Government structure?

Mr. PETERS. About two years.

Mr. SABATH. How long will it be necessary for the Government to occupy possession of this structure?

Mr. PETERS. It will be necessary—

Mr. SABATH. Another two years?

Mr. PETERS. About two years to complete the construction of the building. So long as we delay the commencement of the construction, just that much longer will the Government have to pay this rent for outside quarters.

Mr. SABATH. So that by that time the Government will have paid about \$350,000 to \$400,000 as rental for this structure which the Government now occupies?

Mr. PETERS. I suppose so.

Mr. SABATH. Does the gentleman know the value of this building?

Mr. PETERS. I decline to yield further. It has nothing to do with the merits of this bill.

Mr. BUTLER. Will the gentleman yield?

Mr. PETERS. With pleasure.

Mr. BUTLER. The language that the Government uses is a part of the language of the general statute, and provides for part of the general customhouse at Boston. I can not understand how it got in the bill.

Mr. PETERS. I have thought it strange that such language should be placed in the bill, but that is the difficulty we are placed in.

Mr. BURNETT. That is the very reason of the merit of the bill, because the language of the statute was that there was an appropriation that the authorization should include expenses of the temporary removal of the force employed in the customhouse. The Treasury Department considered that to mean rentals as well as the transmission of the property and retransmission of the building. It does seem to me in order to contract for the construction of the building there ought to be a certainty about it, and as long as there is uncertainty about that rental there can be no contract for the construction of the building, although the foundation has been excavated and is ready for the erection of the building.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. Does not the gentleman think the department should know about what it should cost in case the old building is given up and the time it would take to construct? Do you not think that when they make their estimates they should properly recommend or report to the House?

Mr. BURNETT. They could not know about the length of time it would take for the construction of the building.

Mr. SABATH. That is their building, is it not? It is the department's business to ascertain.

Mr. BURNETT. The very uncertainty of the language of the bill has hindered a contract for the consummation of the building itself. They have gone on and made an excavation, costing some two hundred and odd thousand dollars, but that is as much as they can get unless they know how much money they can contract for for the completion of the building.

Mr. MANN. Mr. Chairman, it seems to me there is something wrong in this bill. I have a bill marked, after examination, as being a bill that ought not to pass. The report on the case is not very satisfactory. I think that I shall take the liberty of mildly criticizing the Treasury Department for sending in this kind of a report upon a bill, as I had occasion to do the other day. The Secretary of the Treasury, in making a report upon this bill says, in addressing the chairman of the Committee on Public Buildings and Grounds of the House of Representatives:

SR: Referring to your request for a report in connection with H. R. 24227, a bill to amend section 11 of an act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public buildings acts approved March 4, 1909, I have the honor to inform you that the department sees no reason why the proposed amendment should not accomplish the result desired, to wit, practically increase the appropriation for the new customhouse at Boston, Mass.; and it is believed that with this amount of appropriation the customhouse building can be constructed.

There is absolutely no information whatever contained in that report from the Secretary of the Treasury, except that in his opinion the bill will accomplish the results desired. We have the right, in sending to the departments for reports upon these bills, to have them send us information.

Now, here is a proposition where three years ago, with full knowledge of the subject, the Committee on Public Buildings and Grounds provided an authorization for \$1,800,000 for a new customhouse at Boston, the amount to include the cost of the temporary quarters pending the construction of the building. It said:

Including the expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

If that does not include the quarters, then I do not understand the English language.

Mr. BUTLER. Is that the customary language?



Mr. MANN. It is not the customary language. This was a particular occasion. One million eight hundred thousand dollars was appropriated, with the distinct understanding that it would cover the expenses preliminary to the final occupation of the building. They would not have gotten \$1,800,000 on any other proposition, as I understand it.

Mr. AUSTIN. May I ask the gentleman if the act says anything about the payment of rent?

Mr. MANN. The act does not say anything about the hiring of a dray, and the act does not say anything about the employment of a carpenter to take down or put up. The act says:

The expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

It does not say "the temporary removal of the force from one office to another," but "during the enlargement, remodeling, or extension." There is not any question about what was intended. It was intended to cover the rent and all other temporary expenses. It was upon that basis that \$1,800,000 was provided. Now, like all other cases, gentlemen get the camel's nose in and then they want to push the whole body into the tent. Having gotten the authorization on their own terms, they then turn around and want to increase the amount that is to be available for the building.

Mr. BOEHNE. By \$700,000. That is what has already been expended and what is to be expended.

Mr. AUSTIN. I beg the gentleman's pardon. The additional amount needed is \$300,000.

Mr. MANN. What is the occasion for the delay over there about letting the contract and doing the work?

Mr. AUSTIN. Simply because the plans have been drawn and the specifications prepared looking to the construction of a building to cost \$1,800,000. The Government anticipates that it would take three years before this building would be completed, and the expenditure for rent of practically \$300,000 of the \$1,800,000 causes the committee having this matter in charge to favorably report this bill before the contract is executed and further work ordered.

Mr. MANN. Having deliberately obtained from Congress a provision under which they knew the building could not cost \$1,800,000, they thereupon hold it up for more than three years to date on the theory that they will make Congress yield to them, because there is no other way of doing it.

Mr. AUSTIN. I think the gentleman is in error in stating that they have held up the construction of this building for three years, because the foundation has already been constructed.

Mr. MANN. I may be in error about the time. I do not know.

Mr. PETERS. The bids for the finished structure were only received by the department about February of this year.

Mr. MANN. Why were they not received before?

Mr. PETERS. From then until now has been the only delay, and as for the people asking more than they originally expected to get, the architect, Mr. Taylor, testified before the committee that it was expected the rent would amount to about \$30,000 instead of \$100,000.

Mr. MANN. They could ascertain about what the building could be rented for; but why should they hold back until this February, three years after the act was passed, before contracts were advertised for? This is not one of the ordinary cases where they have to wait because they have not the force to supply the demand for plans and specifications, for this was an exceptional case. They went ahead and moved out of the building. When did they move out of the building—three years ago, two years? Can some gentleman tell me who knows?

Mr. PETERS. I know. It was a little over two years ago.

Mr. MANN. The report says several years ago. I did not know just what that meant. Undoubtedly it was not less than two years ago.

Mr. BOEHNE. Does not this bill also provide for the assuming of the rent for the next two or three years at \$84,000 a year?

Mr. MANN. It may be \$184,000 a year for aught we know. I have read the last paragraph of this bill, and I was going to ask for some explanation of it. I have read it six or eight times, and I do not know what it means.

Mr. SHERLEY. Does the gentleman from Illinois know how much difference in cost there would be if this building was made of brick instead of stone, for that part which is above the existing building, which they are supposed to use as a foundation for this tower?

Mr. MANN. I do not know that, but I know that if Congress provides for the construction of a building that costs \$1,800,000,

that sum of money can be spent on the building; and if it provides for the construction of a building to cost \$1,200,000, that sum can be spent on the construction of the building; and the chances are that as far as the efficiency of the Government service is concerned the building that costs \$1,200,000 will be fully as good as the building that costs \$1,800,000. I have no objection to their building a monumental structure over in Boston, Mass., if they desire to do so. I can see no reason why we should increase the cost of the building at Boston, any more than we increase the cost of buildings all over the rest of the country, except that the delegation from Boston on the floor of this House is not only extremely intelligent but extremely active and persuasive.

Mr. SIMS. I should like to say to the gentleman that this House does make an exception of Boston, Mass., from the fact that we have already appropriated money out of the Treasury to reimburse an expense to which that city, State, and county have been put for removing an obstruction on a navigable stream—a thing we do not do anywhere else. Why do you want to make an exception on this thing?

Mr. MANN. I made a statement in reference to that bill, expressly calling attention to the fact that it not only was not for the benefit of Boston, but of a small community who were utterly unable to tax themselves for the benefit of the Government to an amount sufficient to accommodate the Government.

Mr. SIMS. Forty-five per cent of that appropriation went to the State of Massachusetts, and I never heard before that that was a small community.

Mr. MURRAY. Mr. Chairman, if it is of any interest to get the facts right in this case, may I suggest that the gentleman from Illinois [Mr. MANN] has stated the facts of that case so accurately that there can not be any difference of opinion about them. That bridge matter was not a Boston matter. It was Weymouth, Mass., which is an entirely separate locality.

Mr. SIMS. Does not 45 per cent of that appropriation go to the State of Massachusetts?

Mr. MURRAY. Surely.

Mr. SIMS. Does the gentleman call that a little community, poor and poverty stricken? The State includes Boston, and therefore it can not be poor.

Mr. MURRAY. Oh, no; the gentleman has got it wrong.

Mr. SIMS. Was not 45 per cent of that money to go to the State of Massachusetts?

Mr. SABATH. That amount was saved for the street car company.

Mr. MANN. Mr. Chairman, I do not desire to thrash over old straw. I am not worried about the charge any gentleman makes that I might be inconsistent. That is not bothering me. I want to discuss this proposition. Here is a proposition emanating from the Committee on Public Buildings and Grounds, giving an extra and new provision for the city of Boston, which has once been provided for. Why, Mr. Chairman, there are many places in this country that are entitled to and would like to have a public building. They can receive no consideration at the hands of the Committee on Public Buildings and Grounds. Why should we make exception for Boston? Why should the Boston Members who have been in once come here and get the ear of the Committee on Public Buildings and Grounds again? Why can not we have a provision for the necessary buildings in other parts of the United States? The other day we passed a bill to create a naval historical society composed of gentlemen from New York and Boston.

Now we have to take care of a Boston public building. I am perfectly willing to admit that Boston occupies a very large place in the history of the world and in the importance of this country, and yet it does seem to me that Boston is not the only city on the American Continent; that there are other places in the United States, and that there are other Members of Congress besides those who come from Boston, and who would like to receive consideration from the Committee on Public Buildings and Grounds. Why does not the committee bring in a public-building bill? Why does not the Committee on Appropriations provide for the construction of public buildings already authorized?

I know gentlemen sit here and wait, expecting that after the fall elections when the record has been made up and completed, that next winter every fellow will get all that he wants. Now, the main thing to do, if you want to pass a public-building bill, is to pass it during this Congress before the election, pass it now, and instead of waiting until next winter to provide appropriations for buildings already authorized, provide appropriations now at this session of Congress. But gentlemen are proposing to trade away their opportunities for needed public buildings by passing little petty private bills like this,

for the benefit of some particular community and some particular place.

I heard gentlemen talk bravely some time ago about how they would favor a public-building bill if it could be brought before the House. One way to help do it is not to pass these second and third attempts. These gentlemen have had their day in court. They got what they asked for. Now they ought to be willing to wait for anything additional until the rest of the bills are taken care of at the same time. I reserve the balance of my time.

Mr. SHERLEY. Before the gentleman takes his seat, I would like to ask what reason he can give why there should be any extra sum appropriated for this building at any time.

Mr. MANN. I have already expressed my opinion, that I can see no reason why there should be anything extra now or at any other time, although I do not profess to be as familiar with the situation as are some others. Let them cut down the expense of the buildings. The department when it appropriates money for something ought to cut the garment according to the cloth. I reserve the balance of my time.

Mr. AUSTIN. Mr. Chairman, I am a member of the Committee on Public Buildings and Grounds. We had an extensive hearing on this proposition. The Republican members of that committee favored an omnibus public-building bill, but when the Democratic caucus decided upon a different program it was utterly impossible for us to carry out our views as members of that committee. Because a Democratic caucus vetoed an omnibus public-building bill does not mean that the Republicans of that committee should not favor this proposition, and every other similar proposition that was presented to us for consideration.

This bill ought to pass. The Public Building Committee reported \$1,800,000, and the members of that committee believed and understood that Boston was to receive a public building that was to cost that amount. It was not contemplated, it was never dreamed, that there should be a delay of four or five years and a rental expense amounting to \$90,000 a year taken out of the general appropriation for the Boston building. I ask every Member of this House to apply this particular case to his own district.

Mr. SHERLEY. Will the gentleman yield?

Mr. AUSTIN. In a moment I will yield. Had Congress authorized a public building in the city of Louisville to cost \$1,800,000 and used the present site for the new building which rendered necessary the removal of the Government employees to an expensive building to be housed for three or five years, exhausting a third of that appropriation, I know very well that the able and efficient Representative from the Louisville district would be here asking and demanding of Congress that the full amount be restored to give the city of Louisville what was contemplated originally—a building to cost \$1,800,000.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. In a moment. All of us had items in the last public-building bill, authorizing from \$50,000 up to hundreds of thousands of dollars for the cities and towns in the districts we represent, and had it turned out in every one of these cases that the Treasury Department found itself without funds to meet annual rentals, running into hundreds of thousands of dollars, for three or four years, where is the Member who would have sat here and submitted to a proposition that would have exhausted the building-fund appropriation for one of his towns, carrying fifty or a hundred thousand dollars or two hundred thousand dollars or a million eight hundred thousand dollars? What the Members from Boston have a right to do is to demand that their colleagues in this House give them what they secured in the original bill and what Congress fully intended to vote them. [Applause.] Take the showing made here, wherein it is shown that Boston turns into the National Treasury \$29,000,000 a year to carry on the National Government, and they ask only \$1,800,000 for that city. You take that amount and compare it with the appropriations made by Congress for New York or Philadelphia or the city represented by the minority leader on the floor of this House, and we will all be frank and fair and free to say that this is a modest appropriation, considering the amount of money that Boston turns into the National Treasury and the amount of money expended by Congress in public buildings in corresponding cities of the Republic.

Mr. Chairman, some one has said we should delay this proposition until next winter. Every month's delay means \$8,000 of money practically thrown away in monthly rentals. It is six months before the next Congress meets, and perhaps after it meets it will be three months before an appropriation will be made, making nine months, and nine times eight means \$72,000 that we will still further take out of the Treasury and throw away in rent.

Now I will submit to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Oh, I do not want the gentleman to submit to me. I want him to yield. I am not going to punish him. I simply want to ask this question, Whether he thinks all of the equities would exist if it were the fact that they had expected \$300,000 of this money to go for rent, and that the situation is one of a building authorized to be constructed for a million and a half, actually costing, because of the mistake of the architects, \$300,000 more? And what would the gentleman say if it were possible now by going ahead and constructing a building—not using quite as fine material, but getting just as good a building—not to delay the matter at all?

Mr. AUSTIN. I will say to the gentleman the committee had before it the representatives of the various departments of the Government that are going to occupy this building, and we considered the question as to the capacity of the building, not only for present needs but for future needs.

Mr. SHERLEY. When did the committee have that hearing?

Mr. AUSTIN. We had an extensive hearing upon that proposition.

Mr. SHERLEY. When did the committee have it?

Mr. AUSTIN. During the present session of Congress.

Mr. SHERLEY. When?

Mr. PETERS. On April 19 and 20.

Mr. MANN. Has that hearing been printed?

Mr. PETERS. Not that I know of.

Mr. SHERLEY. Was not the meeting held a little before that time?

Mr. AUSTIN. We had an extensive hearing.

Mr. SHERLEY. When?—is what I am trying to learn.

Mr. AUSTIN. Oh, I am not the clerk of the committee and do not keep the dates of the hearings. When did the gentleman from Kentucky have a hearing on his sundry civil appropriation bill?

Mr. SHERLEY. We had a hearing on the 19th of April, and I want to see whether your hearing was before or after ours.

Mr. AUSTIN. The gentleman says he can go ahead and give Boston a building to cost \$1,300,000.

Mr. SHERLEY. No; I did not. I said they had planned a building to cost a million and a half and had missed it by \$300,000.

Mr. AUSTIN. Oh, we have not missed the plans at all. Plans were before the Committee on Public Buildings and Grounds, and the architect was present in person, giving the committee a report upon the amount of work and character of work and the plans and specifications, and the committee considered the question of reducing the cost of the building from \$1,800,000 to \$1,300,000, and we determined after weighing the evidence that if we put up a \$1,300,000 building it was only a question of time when Boston would be back demanding of Congress an additional building or an enlargement of the present building.

Mr. SHERLEY. What would the gentleman say if the hearings disclosed that you could put up a building, giving the exact amount of floor space as that proposed, even if this bill passes, not crowding in any particular way the floor space of the offices of the Government, for \$327,000 less than that estimate?

Mr. AUSTIN. The committee discussed that question, and it would virtually strip this building of the high-class material of which it should be constructed.

Mr. SHERLEY. What does the gentleman mean by "stripped"?

Mr. AUSTIN. To substitute brick for granite—taking off the tower, where additional space was needed for storage purposes.

Mr. SHERLEY. Has the gentleman ever seen the Singer Building in New York?

Mr. AUSTIN. Yes; certainly.

Mr. SHERLEY. Well, that is a very handsome building. They constructed that building of brick, did they not?

Mr. AUSTIN. Yes.

Mr. SHERLEY. And is not that true of many of the handsomest buildings in New York?

Mr. AUSTIN. Has the gentleman a brick building for the post office at Louisville?

Mr. SHERLEY. No; we have a horribly ugly stone building; one of the ugliest I have ever seen, that is a monument to the incapacity of the architect who built it.

Mr. AUSTIN. If we were going to make an appropriation tomorrow for a new building to be located at Louisville the citizens of the town would not have a brick building, but would demand either granite or Kentucky limestone.



Mr. SHERLEY. Now, listen. I would not stand here and say that selfishness is local to any community, though we occasionally see a little bit more on the floor from some sections than from other places. Of course, the people of my town would try to get all they could, and because they would try to get all they could through their Representative, other Representatives, realizing that, would search with a good deal of care the statements and the representations made by the community in interest. And that is what we are doing here. I do not blame Boston for getting away with it if it can.

Mr. AUSTIN. The Representatives from Boston made a presentation of their case, and they convinced every member of the committee, Democrat and Republican alike, that they were entitled to and deserved this appropriation.

Mr. SHERLEY. They had less success with the Committee on Appropriations, and they brought the same distinguished architect, and I commend to the gentleman a reading of that testimony.

Mr. AUSTIN. We had all the testimony we needed. We had representative men from Boston, and nearly every branch of the Government service that is housed in the Boston building appeared before that committee. Now, Mr. Chairman, the Government has saved over a million dollars in the purchase of the site alone by the adoption of this plan and the construction of this proposed building on the present Government sites.

Mr. SHERLEY. Is that any reason why we should expend any more than we ought to expend?

Mr. AUSTIN. No; but it amounts to this: By the adoption of this plan and the location of the building the Government will save over a million dollars, and that ought to be taken into consideration in connection with the merits of this proposition.

Mr. SHERLEY. Are not you going to use this site whether you get the additional \$300,000 or not? Is not the real question whether you will have granite instead of brick, and whether you will have bronze in place of tile, and whether you will have bronze fittings in doors and windows in place of steel? Is not the question one of detail, not either the capacity or the sufficiency—

Mr. AUSTIN. We have gone to the extent of expending \$200,000 on the foundation on the present Government lot, and all we want to do for Boston is what we will do for Louisville when the time comes, and that is commensurate with its growth and importance to give the very best the United States can afford.

Mr. BOEHNE. How about my town?

Mr. AUSTIN. Your town and my town.

Mr. SHERLEY. Why do you stop at \$300,000? That does not represent the maximum in the Treasury.

Mr. AUSTIN. Because \$300,000 will be the amount taken out of this fund for rent, when Congress intended the full amount, \$1,800,000, should go into the construction of the building.

Mr. SHERLEY. That is not the best. The gentleman says he wants to give the best; why not go the whole way if we are starting on that road?

Mr. AUSTIN. Now, I will yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I want to call attention of gentlemen to the evidence of Mr. Taylor, given before the committee Saturday, the 20th, in which he said, "We calculated we would not pay more than \$30,000 or \$40,000 a year," having reference to the original plans at the time the estimate for rent was made.

Mr. AUSTIN. That is true, and the evidence submitted to that committee showed an effort was made to secure a cheaper and more suitable building for that purpose, and it could not be had.

Now, I yield five minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Chairman, it is very easy to broaden the scope of the question before the committee. We may extend it so as to include the argument concerning the Weymouth Bridge, or whether the witches were hung, or we may bring in the question of the general policy of having a public-building bill. But the exact question before the House at the moment relates to the Boston customhouse, and that is the question that must be decided by Congress.

Now, if it is conceded that the old Boston customhouse, which was built a great many years ago, was entirely inadequate, in my opinion, the proper thing to have done was to consider building a new customhouse. The space was very contracted. It was a case fairly calling for the expenditure of \$4,000,000 or \$5,000,000 for the National Government to build a customhouse such as we have in the other ports of the country that have any income commensurate with that of the Boston port. The Government is taking in nearly \$30,000,000 a year in receipts at

that customhouse. If we had gone on with the old customhouse and had continued to do business there we should be paying high rents—as expensive rents as it appears here in the debate we are paying. No one would question that the rent is reasonable, although it is costing something like \$80,000 or \$90,000 a year. But it was determined in the interest of economy to use the old customhouse lot, which is not large enough on which to build a building according to the modern standards, and to save space by running the building up in the air, I do not know how many feet. I do not think it will be any particular addition to the architectural beauty of Boston, but I do think, since the Government is to adopt this policy, and is to carry the building up some 400 feet in the air, a different sort of building from what they have anywhere else, it owes it to the community to have it of normal construction and not a mere eyesore.

It appears here from the evidence that the question has been studied and plans have been adopted and they can erect the building for the amount that was originally expected—\$1,800,000—but when you come to take out of that four years' rental it will be impossible to erect a building that will have the proper appearance for that sum of money. This question is delaying construction and increasing the outside rental which is accumulating. The bill permits the department to carry out the projected plans and to build the building in granite, instead of having the lower stories of granite and the rest of brick. I think the case is irresistible. I shall not be put in a position here of scrambling to get anything from the rest of the country. I believe, compared with the amount of receipts from this customhouse, the expenditures of the Government for the building will be very modest indeed.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. McCALL. I will.

Mr. SHERLEY. Does the gentleman think the real test of how much you shall spend for a building is the amount of custom receipts?

Mr. McCALL. The real test?

Mr. SHERLEY. Yes.

Mr. McCALL. I think it is, within certain limits.

Mr. SHERLEY. Is not the only limit the amount of floor space necessary to accommodate all the clerks who are needed to do the amount of work?

Mr. McCALL. I think not, necessarily. I make this as an assertion: Of course you can do a wholesale business more cheaply than a retail business. I imagine that to have this appropriation or expenditure in Boston for the building chargeable against the Boston revenue will be a very much less percentage regarding the amount of the interest on the money invested than is expended in Louisville, Ky. But that is due, of course, to the fact that you do a less business there, and you can not expect to do it so economically. But I was going to say that, except in the case of New York, I do not believe that you will find a customhouse building in the country where the percentage of cost, chargeable to rent, on the receipts collected will be as small as it will be if this plan is carried out in Boston.

Mr. SHERLEY. Now, if the gentleman will permit me, as illustrating how unreasonable a test that is, take the city of Louisville. We collect there, contrary to the gentleman's impression, a tremendous sum of money through internal-revenue taxation. According to the gentleman's theory, we ought therefore to have a building costing a great deal more than a city perhaps of a third larger size, like Rochester or Buffalo, and yet in point of fact it does not require any more floor space. I am not discussing other considerations, such as the size and character of a city and the policy of having a building in harmony with its surroundings, but I am challenging the gentleman's statement relative to income, and submit that it is in no sense a reasonable test, except as it indicates the necessary floor space.

Mr. McCALL. Mr. Chairman, I think the gentleman did not hear me lay down such a test. I understood the gentleman to assume that that was the test, and he asked me a question and I answered it, giving limitations. Then the gentleman assumed that I had based my argument upon a particular proposition, which I had not done.

Now, with reference to the internal revenue collected at Louisville, I suppose upon whisky and tobacco, the expense of doing that business is much less than that of doing customhouse business, where you have to have a force of appraisers, and watch importations, and have valuations, and things of that sort. A large part of the internal-revenue business is done by sending men out to the distillers. The practical part of it is done there. It is chiefly a matter of receiving the money.

Mr. AUSTIN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized for five minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I do not happen to live in Boston, but I live in Massachusetts, and I have been somewhat familiar with the discussions that arose in regard to the location of a customhouse building when it was determined that additional room was needed at the Boston customhouse.

I recollect that the leading Boston business men and committees from the Boston Chamber of Commerce and other business organizations spent a great deal of time to aid Government officials in finding a location that would be satisfactory to the business interests of Boston, which largely represents the business interests of the whole Commonwealth of Massachusetts. They failed to find a suitable location except upon an expenditure of a very large sum of money, and finally they determined that they would prefer to have changes made in the old customhouse building, increasing its size and accommodations as to room and other conveniences, as the building is in the center of the customs and business district. Therefore they evolved this plan which provided for a tower. The amount of expense was determined, and it was supposed that it would be amply sufficient to complete the building as originally designed.

In the discussion this afternoon the fact has been brought out that a cheaper method of construction might have been used; that the tower might have been built of brick instead of being built of granite. It has been contended that it might have been built of cheap brick. But it would have been a cheap-looking structure. It might even have been built of the cheapest material that could have been found.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. GREENE of Massachusetts. Oh, yes.

Mr. SHERLEY. Does the gentleman think that the Singer Building, in New York, which is built of brick and is a building of the same type, can be called a cheap-looking building?

Mr. GREENE of Massachusetts. The original customhouse building was built of granite.

Mr. SHERLEY. But the lower part of the Singer Building is built of stone also.

Mr. GREENE of Massachusetts. Oh, well, that is quite a different proposition. I think the proper material for the construction of this building would be granite. I am not going to discuss the Singer Building. I have seen it only from a distance, although I do not live very far from the city of New York. It does not make any difference what kind of a looking building the Singer Building is.

Mr. SHERLEY. The only reason why I asked the gentleman that question was because he said the building would be cheap looking if it were built of brick.

Mr. GREENE of Massachusetts. You propose to use brick. We propose to build of granite, as it ought to be built.

Mr. SHERLEY. It is proposed to build it as Congress determines to build it.

Mr. GREENE of Massachusetts. Oh, I assume that Congress will act sensibly, although Members may talk foolishly about it when they are simply talking. [Laughter.] All these side issues that have been brought up here have absolutely no influence with me.

Mr. SHERLEY. I would expect that the gentleman, being from Massachusetts, had made up his mind when the bill was brought in; but if the gentleman will read the hearings he will not make the mistakes he has made as to the facts.

Mr. GREENE of Massachusetts. Very likely.

Mr. SHERLEY. I know it to be likely, because the gentleman would not want to state anything that the record showed to be incorrect.

Mr. GREENE of Massachusetts. Not at all. I think the proposition included in the pending bill is fair and reasonable for a city located as Boston is and with the accommodations that it needs. I think the appropriation ought to be granted, and we ought not to adopt a policy of cheeseparing, to see how cheaply the proposed building can be constructed.

Mr. SHERLEY. Will the gentleman permit another question?

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. The gentleman does not need to yield if he does not want to.

Mr. GREENE of Massachusetts. I certainly wish to.

Mr. SHERLEY. The testimony of Mr. Peabody, your architect, was that it was contemplated to build this building for \$1,500,000.

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. It was known that the foundation would cost just what it has cost, so that no mistake can be laid to the foundation cost.

Mr. GREENE of Massachusetts. I am not trying to deny that there may have been mistakes.

Mr. SHERLEY. It was testified to by the architect here that \$300,000 of the \$1,800,000 was expected to cover the rental item.

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. Now, is not the fact simply this, that Congress has authorized a building to be built for \$1,500,000, and your architects have planned so badly that they have missed the limit by \$300,000?

Mr. GREENE of Massachusetts. That is not unusual.

Mr. SHERLEY. No; it is not unusual; and it will not be unusual until we cease to let them get additional money when they violate the law.

Mr. GREENE of Massachusetts. Do not undertake to visit Boston with punishment. They do not deserve it.

Mr. AUSTIN. I reserve the balance of my time.

Mr. MORSE of Wisconsin. Mr. Chairman, I only want to say a very few words in discussing this matter. I believe the Government should build public buildings wherever they are needed. The people do not come in contact with the Government itself at any place very closely except at the post office, and I am very heartily in favor of building public buildings wherever the rental is large enough to warrant the expenditure; but it does seem to me that in this particular instance this appropriation is entirely unnecessary. The Democratic Party had a caucus, we are told, and at that caucus they decided that at this session of Congress we should have no public-building bill. Yet apparently some districts are in danger in Boston; therefore Boston is selected out as a place to which they propose to show special favor.

Mr. SABATH. Will the gentleman yield?

Mr. MORSE of Wisconsin. In just a moment. I notice that Boston and New England always come in for special favors. I do not care whether it is in public-building bills or tariff bills, or whether it is an appropriation for digging a ditch or removing a bridge at Weymouth, Boston and Massachusetts get their hands into the Treasury and get the money out and get what they are after.

Mr. SABATH. If I am not mistaken, the gentleman has been misinformed as to the charges that he makes against Boston, or the Members of the House from Boston. The reason why they insisted on having this bill reported, as I understand it, is in order to save the enormous rental that the Government is paying for the temporary quarters. That is the main reason that this bill has been reported and has received preference over the other bills that are now pending.

Mr. MORSE of Wisconsin. I thank the gentleman for the information, and I call the attention of the House to the fact that the Government is paying rent for almost every third-class and second-class post office. In the little city from which I come the Government owns a site and it is paying rent, and it will pay rent until that building is completed and paid for out of the Federal Treasury. I suppose that is a good reason for building a building there. I appeared before the committee in a previous session of Congress and urged the building of a building there on that ground. Now, that thing applies to all parts of the country, to every congressional district, and the mere fact that in Boston we are paying some rent does not give this particular project any virtue over any other.

I notice that they want another \$300,000 in order that they may change the building from brick to granite and put in some bronze. Why, if you will give us in the Middle West a few buildings we will be tickled to death to take brick, and we do not care for a tower either. Boston is asking for a 400-foot tower on the top of it. You have \$1,800,000 already, and you have the nerve to come back to this House and ask for more.

Mr. BURNETT. Will the gentleman yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. BURNETT. The gentleman does not recognize the fact that \$1,800,000 has been depleted by the payments of rent. That is what gives them a standing; instead of the city getting \$1,800,000 it is constantly being reduced on account of the \$90,000 a year rental.

Mr. MORSE of Wisconsin. But that reason will apply to every public building wherever it is needed in a hundred places in this country.

Mr. SHERLEY. If the gentleman will pardon me, the facts in this case are that it was never contemplated from the beginning that more than \$1,500,000 of the \$1,800,000 should go for the building. I hold in my hand the testimony of Mr. Taylor to that effect, and, if desired, I will put it in the Record.



Mr. MORSE of Wisconsin. The statement made by the gentleman from Kentucky takes away every inch of the ground on which you are standing, you gentlemen who propose to put this public-building bill through the House to-day. As I said, I do not object to building all the public buildings that are needed, but I do object to you gentlemen on this side of the House going into a little secret caucus, all by yourselves, and with doors closed, newspaper men excluded, decide that you would not bring forth a public-building bill at this session of Congress; and then, in spite of that, singling out Massachusetts for some particular reason, singling out Boston for some particular reason, when it has already been favored with \$1,800,000, and asking for special favors for her.

Mr. AUSTIN. Will the gentleman yield?

Mr. MORSE of Wisconsin. Yes.

Mr. AUSTIN. I have just received a telephone message from the Supervising Architect—and I hope the gentleman from Kentucky will give me his attention—in which he says that the original estimate submitted to Congress for this building was \$1,800,000.

Mr. SHERLEY. Now, if the gentleman will permit me, as against his telephone communication, I will read the testimony of Mr. Taylor in regard to this building, found on page 138 of the hearings, part 1, which is as follows:

The CHAIRMAN. Will you make a statement so that we will know about it?

Mr. TAYLOR. The limit of cost of that building was \$1,800,000, \$200,000 of which was for rent, and that left \$1,500,000 for the construction of the building. I believe that the estimate that was originally made was \$2,000,000, which was just \$500,000 more than was allowed for it.

That is his testimony under cross-examination. I submit to this House that it is not becoming in a public official to appear in his public capacity before an appropriation committee to give testimony there, and then by private telephone communication raise a doubt, even as to his own testimony.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MORSE of Wisconsin. I yield.

Mr. FITZGERALD. Mr. Peabody, the architect of this building, stated when he appeared before the committee that he was notified that \$1,500,000 would be available for this building, and he proceeded to prepare the plans which it required, and if the building is carried out in accordance with these plans without substitution of alternatives it would cost \$1,800,000, while if the alternatives be substituted a building could be constructed for \$1,500,000.

Mr. AUSTIN. One million eight hundred thousand dollars provides for granite and the other for brick.

Mr. FITZGERALD. I will discuss the brick business in a little while.

Mr. MORSE of Wisconsin. Mr. Chairman, I do not desire to add to what has been said. It seems to me there is no reason on earth why this bill should be passed at this time; there is no reason why Boston should be singled out from every town and village in the country. I congratulate gentlemen on their sublime nerve in bringing this bill in, and I believe if it was not for the vote of the delegation from Massachusetts it would not have a corporal's guard.

Mr. CURLEY. Mr. Chairman, before the gentleman takes his seat, he talks about the question of precedents. I would like to ask him if he knows any other section of the country where a building is in course of construction where the rental is as large as it is in this case in Boston which is being paid while the building is in the process of construction?

Mr. MORSE of Wisconsin. Is this building in the process of construction?

Mr. CURLEY. I should say so. Here is a picture of it.

Mr. MORSE of Wisconsin. For how long has it been in process of construction?

Mr. CURLEY. I should judge somewhere about 14 months. They have been compelled to go down more than 100 feet to get a foundation that would be suitable for the superstructure. Ninety-six thousand dollars annually is being paid for outside rental. That in itself is sufficient reason for speedy action on the part of this House.

Mr. MORSE of Wisconsin. The speedy action the people of Boston ought to take is to go along as they intended to do when these plans were adopted and construct a building in accordance with those plans. You are delaying the thing yourselves.

Mr. CURLEY. Oh, I am ready for a vote now.

Mr. MORSE of Wisconsin. The facts are that the building is not good enough for Boston; that you do not care to construct the building as originally proposed; that you want a little more marble and a little more bronze; and you are the people who are delaying the construction of the building. If you will take that which is good enough for Milwaukee and

Chicago and most of the other towns the size of Boston and be satisfied with it—

Mr. SABATH. Oh, I think that is unfair to Chicago. [Laughter.]

Mr. CURLEY. Mr. Chairman, it is a great many years since we regarded Boston as a town. It may be proper to regard Milwaukee and Chicago as such, but I do not think it is fair to regard Boston in that way.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, it may have been contemplated when these estimates were made that a public building could be constructed in Boston for \$1,500,000. I have not been raised along lines where exquisite taste was practiced, but I do believe in harmony. I do believe in the Government constructing buildings that will harmonize with the surroundings. Oh, my friend from New York [Mr. FITZGERALD] shrivels up his face at my remark, but I know well enough what he would demand if the city of New York were involved.

Mr. FITZGERALD. Mr. Chairman, I could not help smiling at the gentleman's statement, because there are to be no surroundings for this building. It is to be so high up in the air that it is to overtop by hundreds of feet all of the insignificant structures that will be strewn around at its base.

Mr. BUTLER. Mr. Chairman, I know nothing at all about its immediate surroundings, but I do know that Boston is a city of very great importance, and I do know, as compared with other cities where public buildings are demanded and expenses incurred, that Boston ought to be well treated. I do know from observation that the estimate of the architect made at the time is not always capable of fulfillment. I do know that in a case at hand, in the little town where I live, where they estimated that \$60,000 would be sufficient to construct a good building, I had to appeal to Congress a second time for the modest sum of twenty or thirty thousand dollars in addition. I thought \$60,000 would be sufficient and so did the architect, and everybody thought that amount would be sufficient, but it would not build us a structure that would harmonize with the surroundings found in the little quaint, old-fashioned town in which I live. I do know that in this instance the Congress would not likely have agreed—certainly not if a protest had been made, and for one I would not—that the authorities should have the opportunity to run to this fund whenever they saw fit to take the money with which to pay the rent of quarters for the office force. It will be two or three years before this building will be constructed. Certainly the word "temporary" in the language in the bill did not intend to mean that for time without limit the money could be taken from the fund appropriated to pay the temporary expenses.

I do not think that this is an immodest demand. I think we ought to pass the bill reported by the committee. I only regret, let me say to my Democratic friends, that the caucus has willed that we shall not have at this time the opportunity of passing a bill to provide for public buildings generally which Members usually expect. I am not expecting any, of course. Nevertheless, if we can avoid the decree of the Democratic caucus I am one who is willing to undertake it, if it almost rips up the Treasury in the attempt.

Mr. MADDEN. Mr. Chairman, of course you can put up a building for almost any price you desire. You can put it up for 5 cents a cubic foot; you can put it up for 7 cents a cubic foot or for 10 cents a cubic foot, or up to 70 cents a cubic foot. It altogether depends upon what kind of a building you desire. The tendency of the citizens of the United States is toward more ornate buildings. Time was when we were all willing to live in log houses, glad to have a log house in which to live, but that time has gone by, and now everybody is seeking more comfort and better facilities and more durability and more art and more harmony, and there is no reason on earth why the Government of the United States should destroy the neighborhood in which it erects a public building.

Why should the Government of the United States destroy values by constructing cheap buildings when the people who live in the neighborhoods of those buildings are putting up good buildings themselves? The Government ought to set the pace for a high standard of construction. It ought to put in the most durable material that can be found. You can put up a building with an interior finish of pine or you can put in brass interior finish for your doors—oak, mahogany, bronze, or whatever you may wish to put in—but I maintain the most economical construction is the construction that costs the highest price when it is first erected, for it costs less to maintain and lasts longer, and it always looks well while it lasts. I say that it is false economy to put up a building for a small price, regardless of the character of its construction, simply

because you have the cubic content in it to do the business. That kind of building is no longer erected anywhere. In every great State in the Union buildings are being put up now of the most palatial style, and they are being put up to attract the eye—

Mr. SHERLEY. Will the gentleman yield?

Mr. MADDEN. Most assuredly.

Mr. SHERLEY. What do you mean by this kind of building?

Mr. MADDEN. The cheap building—with no regard for durability or style or artistic effect.

Mr. SHERLEY. They do not propose to change the kind of building. It is just a question of whether to expend \$300,000 more for material.

Mr. MADDEN. That is exactly what I said. It is a question now whether you will be content with the cubical contents of the building regardless of the construction, whether it is constructed so as to be a permanent construction, whether you are to put up the character of construction that will be always in order, or whether you are to put up a flimsy character of building that will require vast repairs.

Mr. SHERLEY. Will the gentleman permit again?

Mr. MADDEN. Certainly.

Mr. SHERLEY. There is no question, so far as the architect testified, as to the permanency of the building whether the upper part will be of brick or stone; they are going to have a steel frame for it.

Mr. MADDEN. I realize that; and while the brick construction of the exterior work would probably last as long as the interior workmanship would, yet it would not be in keeping with the conditions that ought to surround a great public building in a city like Boston.

Mr. SHERLEY. Will the gentleman yield again?

Mr. MADDEN. Certainly.

Mr. SHERLEY. Will the gentleman say, if he knows, how many public buildings there are in Chicago or New York which are built of stone, and I will ask him if it is not the rule that most of the large buildings are built two or three stories of stone and the rest of it of brick or of terra cotta, like the very handsome building that has just been put up opposite the Treasury Building—the Riggs Building, one of the handsomest buildings in Washington—which is built of tile.

Mr. MADDEN. I think a very large number of high-class buildings are being constructed of glazed terra cotta throughout the country, but very little brick is used for the exterior work. Glazed tile is used and a very high class of pressed brick. You can not use glazed brick successfully, because the glaze wears off; whereas if you use a durable material like marble or granite it stands forever. Its durability is unquestioned, but the action of the atmosphere works on the other material so that in a short time it is an eyesore, and such construction ought to be avoided as a policy of the United States Government. The farmers of the United States are putting up better buildings on their farms than they used to do. They are laying out lawns and planting trees and putting out flower beds. They are not satisfied with the ordinary beauty that nature gives them any longer.

Mr. SHACKLEFORD. And building good roads.

Mr. MADDEN. And, as my mud-road friend from Missouri says, they are wanting to build good roads out of the United States Treasury.

Mr. BOWMAN. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BOWMAN. I want to ask the gentleman a question. I was in the employ of the State of Massachusetts under some of their architects some years ago, and I learned to entertain a very high respect for their capacity and their ability, and I think it due to that State and due to ourselves that we let them select the materials they want and the manner in which they want to erect this building, and I think that we are wasting the time of this House in talking about this matter any further.

Mr. CURLEY. I was going to say, some 60 years ago when the customhouse was erected at Boston it was granite, and that private parties who have since constructed buildings in that vicinity have felt that they were compelled in a measure to erect their buildings to conform in character of material to that used by the Government of the United States.

Now, as we have there a chamber of commerce building that represents an expenditure of one million and a half of dollars—a granite building; a stock exchange, built in the immediate vicinity, representing an expenditure of about a million dollars—a granite building; a customhouse and warehouse building, constructed of granite and some 1,500 feet long and about 400 feet wide and some 7 stories in height, would it not rather suggest a ridiculous proposition if we were to put up a brick building? Something akin to a man invited to address a pub-

lic gathering appearing in evening dress and wearing canvas shoes.

Mr. MADDEN. Now, for example, here is what happens: A man may live in a country district and have a nice home, and he may feel a pride in keeping that home up. So he paints his house every year, and what happens? Everybody in the neighborhood that can raise the money paints his house. If this man lets his house run down, every other house runs down. If the Government of the United States in an impecunious attitude should refuse to appropriate a building merely because of the fact that it is to be built in Boston, it would make a great mistake. The Government ought to put up good buildings everywhere. Why, this is a matter that concerns the people of the whole United States. It is a matter that concerns everybody, wherever they may live. It is an encouragement to private capital to invest in better buildings. I remember the time in great cities when the people who were well to do were willing to live in houses built of common brick. As they got better off they put up pressed-brick fronts, and then they put pressed-brick sides on the buildings. And after awhile they wanted more ornate buildings, and they put in sawed-stone fronts, and held these fronts on the buildings by anchors. And when they got better off they wanted marble fronts, and put them in with blocks of brownstone. They are always doing something to beautify the cities in which they live.

A building of the kind mentioned in this bill ought to be a work of art, and the Government ought not under any circumstances to save \$100,000 in a great building that should last for a quarter of a century.

Mr. SHACKLEFORD. If they built a substantial building even less ornate than the gentleman has in mind, would not cities in my district ask them to give them buildings where they have none?

Mr. MADDEN. I am in favor of giving the cities to which the gentleman refers buildings as well. I am not in favor of skimping in the construction of a great public building. It ought not to be so. It is not an extravagant price to pay for a building—\$1,800,000—in a great city like Boston. [Applause.]

Mr. SLOAN. Mr. Chairman, I come from a district in Nebraska where we would like to have some public buildings, and I can assure the gentleman that if any be granted he will not have to build any of them 400 feet in the air in order to have room for their construction. We have a good deal of space out there for public buildings, but when we presented our demand there was presented a caucus action of the majority as a plea in bar which said there should not be any public buildings granted at this session.

Now, I do not object to Boston any more than any other city. I have a very high opinion of Boston and the Bostonese. The facts are that old Massachusetts has a great record. I believe it held the record for the lowest rate of illiteracy in this Union until Nebraska wrested that record from her some 10 years ago. And for that reason we do not want to take any further advantage of Boston. They are trying to get it on the ground of a man who, in improvising Scripture, said, "Them as has, gits," and because they have had they expect to get more. I was somewhat interested in the picture of this projected building. It ought to be exhibited to this House so that we could all see it. I have grave suspicions about it. It looks as if they propose to cut the upper 400 feet from the Washington Monument and transport it to Boston and then make a customhouse out of it. [Laughter.]

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Massachusetts?

Mr. SLOAN. Yes.

Mr. ROBERTS of Massachusetts. I want to say to the gentleman that if they take off the top 400 feet of the Washington Monument and transport it to Boston we would have a better-looking building than we shall have unless we get the money we are asking for.

Mr. SLOAN. I am rather interested in that. I was going to speak of the patriotism of old Boston. Just think of the people who are so anxious to pay customs duties as they enter the port of Boston that they are ready to climb 400 feet high to avoid smuggling. [Laughter.] To establish this I notice they dig a foundation 200 feet deep, and then to match the foundation and have something to hold it down they are to build a tower 400 feet above the earth. But, then, I think, perhaps the building would serve a better purpose in pointing the citizens of Boston the way to heaven than it would for the collection of revenue for the United States Government. It might be likened unto the Tower of Babel, but a confusion of tongues in Boston—perish the thought. [Laughter.]



Now, what I do object to is this, not that Boston must be favored or not favored, but that in her case there shall be a special dispensation. The Democratic caucus, which has assumed control of these matters, has said to all of us out on the bounding plains, "You can not have any public buildings this session." But they would say now, in case of a favorable vote on this bill, "We will grant a special dispensation to Boston." To that I am opposed, unless they will say that this Boston matter has been brought before the Democratic caucus, which is the final arbiter on this question. And if the caucus has granted it, I want them to see that it goes through. If it has not been granted let it not be further considered. If I am ruled by that body, I want to be ruled when it is in my favor as well as when it is against me.

Mr. PAYNE. I would like to ask the gentleman a question.

Mr. SLOAN. I will answer it if I can.

Mr. PAYNE. If they should attach to this bill from one to half a dozen buildings for the gentleman's district in Nebraska, would it ease it up any or seem less like a special dispensation?

Mr. SLOAN. It would ease it up generally, and that would be the way to appeal to me. [Laughter.] And if the gentleman from New York has force enough to accomplish that, I would be glad to see him attach such an amendment. If you proceed to give a public building to every district that is entitled to it, I am inclined to think that this great tower would be erected in Boston, along with the other much-needed public buildings of the country.

Mr. PAYNE. I think the gentleman is climbing right onto the idea.

Mr. SLOAN. Oh, yes; I have been watching the course of the distinguished leaders on both sides of the House for many years. [Laughter.]

Mr. PAYNE. I want to say to the gentleman that I was told two or three years ago, about the time the tariff bill was passed, that if I would put on a certain amendment that would help this gentleman who spoke to me and a large class, there would be no doubt but that the bill in the next 60 days would be the most popular bill in the United States. He asserted that the people would say it was the best bill. I have no doubt if you could put a public building into every district in the country the bill by which you accomplished that result would be a popular bill.

Mr. SLOAN. But the gentleman did not make that amendment?

Mr. PAYNE. The gentleman did not.

Mr. SLOAN. I suppose there was a spasm of virtue then.

Mr. PAYNE. No. If the gentleman will stay here longer, he will notice other spasms of virtue of the same kind.

Mr. SLOAN. I wondered at the modesty with which this special instance was suggested.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to his colleague?

Mr. SLOAN. I yield to the gentleman from Nebraska.

Mr. NORRIS. The gentleman has suggested that this tower is to be 400 feet high. Is that it?

Mr. SLOAN. That is what they say.

Mr. NORRIS. Was it to point the way to heaven to the Bostonians?

Mr. SLOAN. Yes.

Mr. NORRIS. I understood the gentleman to say also that if the cellar is 200 feet deep there would be danger that they would go the other way. [Laughter.]

Mr. SLOAN. I will say to the gentleman that I am in favor of serving both classes and all classes in this matter of public buildings and other matters as the foundation and tower would lead Bostonians. They have travelers both ways—more going up than going down—hence difference in height of tower and depth of foundation.

Mr. NORRIS. Touching the location of the building, I fear, from the very fact that the tower is made higher than the cellar is deep, the natural inclination of the Bostonians is to go down rather than up.

Mr. SLOAN. I think the gentleman understands the bean eaters fully and precisely. [Applause.] [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. Mr. Chairman, there are some important facts about this building that I think should be called to the attention of the House. Gentlemen speak about the taking of \$300,000 from the authorization as if that had been done after the building had been planned, and in that way those in charge of the construction of the building embarrassed. The fact is that after the authorization of \$1,800,000 was made, with a provision for the payment of certain expenses therefrom, the Treasury Department estimated that \$300,000 would be required

to pay the rentals and other expenses incident to providing for the public business outside of the building during the construction of this new building. It fixed \$1,500,000 as the limit within which the building should be designed. The architect was notified to plan a building which would cost not to exceed \$1,500,000.

It appears from his statement before the Committee on Appropriations that he was unable to determine why he should not have the \$1,800,000, and he planned a building to cost \$1,800,000.

In inviting bids for the construction of this building, there was done what is done as to every building advertised for construction by the United States. A number of alternate propositions were outlined in the plans and specifications, and the advertisement required the submission of offers not only upon a definite plan which fixed the features, but provided for the substitution of certain things in case they were determined to be desirable and necessary to bring the building within the limit fixed, and the bids had to be submitted in that way.

By the substitution of certain alternates a building can be constructed giving the same amount of floor space as in the original design, but it will not be as ornamental as if the additional \$327,000 were expended.

I call attention to the fact that it requires, not the amount which was set forth, \$350,000 additional, but \$327,000; and the additional amount up to \$350,000, spoken of by the architect, would cover the additional compensation to which the architect would be entitled if, under his contract of 6 per cent of the cost, if I remember correctly, he can obtain 6 per cent upon this additional \$327,000.

One of the things that it would be necessary to substitute would be brick in place of granite, the tower which can be seen in the picture before the committee to be faced with brick instead of granite. The architect seemed to imagine that it would be a great crime upon the aesthetic taste of the people of Boston to face this tower with brick. To hear his statement one would imagine that an unsightly, common, red brick tower was contemplated, but after he had been questioned somewhat it turned out that instead of unsightly, common, ordinary, red brick this tower would be faced with handsome, light, pressed brick, and above the tenth story it would require an expert to tell whether it were faced with brick or with granite or some other stone.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. ROBERTS of Massachusetts. I want to ask the gentleman if he thinks the Washington Monument, if made of the nice pressed brick he talks about, would be as pleasing and as majestic and as harmonious as it is now, made of granite?

Mr. FITZGERALD. Mr. Chairman, I have no doubt that if the Washington Monument had been built of a light-colored pressed brick, and that fact was stated to myself or to the gentleman from Massachusetts, we would have marveled all the more at the remarkable engineering skill that made possible the construction of that pile of brick, rather than of the massive stones out of which it is constructed. So far as its being pleasing to the eye is concerned, I imagine that if it were faced with light pressed brick or some other material as is the new building which takes the place of the old Riggs House in this city, it would be much more attractive and pleasing to the eye than the present uneven, discolored, unattractive facing which many of the stones in the Monument present. But to come to the substitution of the pressed brick in this tower. This Boston architect, Mr. Peabody, was greatly shocked that the people of Boston should have thrust up into the air nearly 500 feet this ugly, unsightly, ungainly tower of pressed brick. It would be out of place with the surroundings, so inconsistent with the architecture in the vicinity, and so repellent to the eyes of those coming to the shores of this country for the first time by the way of the magnificent harbor of Boston, that it would be a great injustice, not only to the people of this country but to those of other climes who seek a refuge here through Boston.

And yet, Mr. Chairman, but two or three weeks earlier a brick tower did not seem to be such an architectural monstrosity to the supervising architect when before the committee. He desired to be permitted to erect a pressed-brick tower 275 feet high in the city of New York. It was to be erected on what is known as the new barge office, a building which, I believe, is to cost \$500,000. It was to be a Venetian structure, rearing its stately form at the Battery, where it would be the cynosure of all those entering the country through New York Harbor, a thing of beauty and a joy forever. [Laughter.] And yet in my innocence, in my ignorance of architectural niceties, I inquired of the supervising architect if he did not think it would impair the artistic surroundings of the city of New York by putting up

this brick tower right at the Battery, and he said, on the contrary, it would add very largely to the attractiveness of the city. [Laughter.] But two or three weeks later, when it was suggested that this tower in Boston should be faced with the same kind of material instead of granite, the artistic sensibilities of the architect in charge were immeasurably shocked that such an outrage should be committed on the people of that highly sensitive community. [Laughter.]

Mr. OLMSTED. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. OLMSTED. Does not the gentleman think that that brick tower in New York would be more appropriate if constructed of gold bricks?

Mr. FITZGERALD. It would be not only more appropriate, but the only thing that could properly be constructed there if the residents of Pittsburgh continue to go to New York in such numbers as they have in recent time and permanently reside there.

Mr. HUGHES of New Jersey. Does not the gentleman think that if the citizens of New York had returned to them all the gold bricks that have been purchased from them by gentlemen from Pennsylvania they might be able to erect a gold-brick tower there?

Mr. FITZGERALD. Oh, no; I think not. We have a very limited supply of gold bricks. And besides, I never worried very much about those who burn their fingers in purchasing gold bricks.

But to come back to Boston and this public building. To prevent the artistic sensibilities of the people of Boston from being shocked by using brick instead of granite will cost just \$96,000. I might not object to the expenditure of this money if I thought the building would be a permanent benefit to the people of Boston or to the country. But this tower is some 18 stories in height; the lower part of the building, the old customhouse, I am informed, will be so cut up that it will be practically of no benefit whatever. There will be corridors, hallways, passageways, and practically no office space. This tower is 60 feet by 70 feet, without sufficient room on any one floor for any one division of any department of the Government that is to be accommodated in it. After it is finished it will be more expensive and uneconomical to conduct the public business in that building than in any other building that could possibly be designed. Within 10 years not only the people of Boston but the United States officials will be clamoring to have it abandoned and a decent, well-fitted, respectable building constructed in the city of Boston for the transaction of the public business under conditions which should exist where public business is transacted.

This \$300,000 is a pure waste of public money. This is not a monumental building to be used for a great many years for the accommodation of the public business in the city of Boston. It will be inadequate. It will be insufficient. It will cost much more to conduct the public business in this building than in a building properly constructed, and from the investigation which I have made it would be much better if, instead of continuing this building, we were to pay a reasonable price to the contractors to have the existing contracts canceled and proceed to obtain an adequate site and plan and authorize a decent and fitting building.

I now desire to call attention to some other things which will be necessary. If this increased limit is not granted, it will be necessary, instead of having copper windows, to substitute windows of some other metal, and the difference in the cost between copper windows and metal windows other than copper is \$36,750. I do not know how many public buildings have copper windows. There are none in the Capitol. There are none in our office buildings, and they are very rare even in Washington; but in artistic Boston these windows must be of copper.

Then to make some slight changes in the sloping roof, to substitute a steel frame and copper roof for the sloping stone roof of the tower, and instead of having the tower faced with stone, having it faced with copper, somewhat similar to the dome of the Congressional Library, which, of course, is not to be thought of in connection with this building, would make a difference of \$16,900. To have the inside of the windows of some other metal than copper, not even of wood, would make a difference of \$3,000. Then there are doors of peculiar design, doors opening in the offices from the corridors on all of these floors, and from one room into another, and if we do not insist that they have this peculiar design of door, but have other doors, there will be a saving of \$4,000. In this 18-story tower it may be necessary to have these unique and unusual doors in artistic Boston.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CURLEY. I would ask the gentleman how much might be saved if they had no doors and no windows in the building?

Mr. FITZGERALD. Mr. Chairman, I see no pertinency in that question. Suppose this architect, with these extravagant notions, had asked us to gild the doors, would the gentleman have thought it pertinent to have suggested that instead of having gilded doors they should have no doors? I do not know a public building in the city of Washington that has copper windows. I know of a great many public buildings in other cities, and I know a great many very magnificent buildings, and I do not know of many, if any, which have windows of copper—few of them of any kind of metal. They are now introducing metal as a prevention from fire loss; but why is it necessary to add \$41,000 to the cost of this building simply to have the windows and the interior of the windows of copper? There are many other metals that might be used without this extravagant outlay. Perhaps the gentleman thinks it is necessary in Boston to have copper windows so that when the ordinary passer-by on the street, going home from his daily toil, looks up at the eighteenth story window and sees it open his artistic sensibilities will not be shocked by the realization that instead of having a copper window open it is only a metal window. To save the people of Boston from this outrage perhaps it is proper to expend \$40,000 and incidentally pay to the architect \$2,400 additional as the result of having the copper windows substituted.

If we omit the granite-carving allowance there will be a saving of \$30,000 more. There is certain carving on the granite that perhaps would be permitted in Boston which would not be permitted elsewhere. Thirty thousand dollars for carving for aesthetic Boston!

Omit the sculpture allowance and there is a saving of \$25,000. If we are to have heroic statues of great men, either of the past or of modern times, I think if this bill goes through they should be statues in marble of heroic size of the present delegation in Congress from the city of Boston. [Laughter.] Twenty-five thousand dollars would not be too much with which to commemorate their memory in such a way, and I am not certain that I would not be willing to advocate an appropriation of \$25,000 if I were certain that the gentlemen from Massachusetts—Mr. CURLEY, Mr. PETERS, and Mr. MURRAY, with their allies on the other side—would stand and look down as graven images upon the people of Boston passing to and fro in order that they might say, "This is the delegation that prevented our aesthetic sensibilities from being shocked by the substitution of metal for copper windows." [Laughter.]

That would be worth the money, assuredly it would be worth the expenditure; and if we could so modify this bill as to insure such works of arts—it would perhaps necessitate the approval of the Fine Arts Commission—I perhaps would be glad to vote for it. [Laughter.] Here is another item:

Substitute base for wainscot in the corridors and connecting stairs from fourth to eighteenth stories, \$8,000.

In this Capitol we have a marble base all through the halls and corridors and above it is a plastered wall, but in this building they want a wainscoting about 5½ feet of marble from the fourth to the eighteenth story. Nobody will ever walk a single flight of those stairs unless the elevators are out of commission and the safety of those in the building depends upon their walking. If anybody employed by the Government walked down from the eighteenth floor of that building, either in his own time or the Government's time, it would be most extraordinary.

Mr. CURLEY. Or if they walked up.

Mr. FITZGERALD. I never suggested walking up, I talked about walking down, and yet it makes a difference of \$8,000, whether that wainscoting is placed there or whether it is finished as any building in Washington where we have just a marble base. "Omit marble panels for sculpture in the rotunda and leave the recesses plastered in such manner that marble can be placed later, \$3,500. Omit the marbles of the walls of the rotunda, except bases, shafts, and caps of columns from a point 18 feet above the rotunda floor, and substitute plaster, \$1,000." That is for the rotunda of the building to have a marble finish to a point 18 feet above the floor and then above that 18 feet from the floor, instead of having marble, have it plastered as the Rotunda of this Capitol happens to be. By so doing \$11,000 would be saved, but in this rotunda the architect desires to have the entire rotunda, sides and walls, covered with marble. If we simply take and plaster it from a point 18 feet from the floor to the top of the dome it makes a difference of \$11,000. To make the dome of this rotunda of copper instead of marble would save \$10,000. "Guarantee the waterproofing, using any plan that will do the work properly," will result in a saving of \$4,000.



One method of waterproofing was specified, and yet to permit the use of any other method, with the guaranty that the building will be waterproof, will save \$4,000. Why pay for some patented process, which is an additional bonus, if the waterproofing can be guaranteed by the use of some other process? "To make the posts, rails, balustrades of all unimportant stairs plain, top and bottom rails to be plain, \$7,000."

That foots up a total of \$327,000, with the omission of one or two trifling elements. The purpose of this bill is to prevent the substitution of the matters to which I have called attention for the other materials, and to do so \$327,000 must be added to the present cost, and for architect's fee an additional sum of \$18,000. Such will be the result of the passing of this bill permitting the inclusion of these particular items. Do not forget it.

Mr. BUTLER. Architect's fee?

Mr. FITZGERALD. Oh, yes; that has not been mentioned yet.

Mr. BUTLER. Not the Supervising Architect?

Mr. FITZGERALD. This building is being built under the Tarsney Act. A Boston firm of architects have this particular work.

Mr. BURLESON. Peabody & Co.

Mr. FITZGERALD. Peabody & Co. Six per cent on \$1,500,000 starts the fee. That is what they will receive, \$90,000; and if the privilege of substituting the particular things which I have pointed out as desired be substituted we will pay them an additional \$18,000. I have stated the facts in this case. This building was placed with these architects with instructions to design a building to cost \$1,500,000. They deliberately designed a building to cost \$1,800,000. Now, which is to prevail, Congress or the architect, who is to get a financial benefit from the designing of the building in excess of the limit fixed by Congress? The public service will not be affected by not substituting these particular things. Boston will not be injured—Boston will be benefited—because the sooner this building is destroyed after it is finished the better Boston will be, both from the standpoint of artistic features and from the standpoint of the public service.

We might just as well look at it frankly. The building is not a suitable building nor a fit building for the transaction of public business, and Boston should not have it forced upon it. A city like Boston is entitled to a suitable public building. By taking an old customhouse, using it as a base to erect upon it a tower 70 by 60 feet, nearly 500 feet in the air, for the transaction of the public business in a proper and efficient manner will not result satisfactorily. It is the most ridiculous proposition that has ever been suggested.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. As we are likely to have a long day to-morrow, I thought perhaps the gentleman would yield the floor to some one to move to rise.

Mr. FITZGERALD. I have about finished.

Mr. MANN. I meant, of course, temporarily.

Mr. FITZGERALD. I shall finish in a moment. I have practically finished all I have to say. I thought these facts should be submitted to this committee.

The Committee on Appropriations gave the architect an opportunity to present his views about this building. The committee, or many of the members, was convinced that it would not only be an injustice to the United States, but it would be a wrong to Boston to have held over them this fact that they got this \$300,000 additional for this building, when the officials of the Government know now that the building will not be adequate. Under the circumstances I do not believe it should expend this money upon this architectural monstrosity. Boston deserves better. The business of the Federal Government there is extensive and important. There is needed suitable and ample accommodations for its transaction. It should be carried on in a building of such character as will enable it to be efficiently and economically done. This building is neither suitable nor adequate. Money should not be wasted upon it. Nothing should be done which will prevent this community from obtaining such accommodations for the business of the Federal Government as are imperatively required, will be persistently demanded, and to which the city and Government are entitled.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 40 minutes remaining.

Mr. MANN. Mr. Chairman, I suggest to some gentleman in charge to move to rise.

Mr. ROBERTS of Massachusetts. Let us get a vote on this and adjourn.

Mr. MURRAY. My colleague Mr. PETERS, who has been in charge of the matter during most of the afternoon, has stepped out, but I do not believe it is his desire, or the desire of anyone of us who is in favor of the bill, to prolong the debate. We are perfectly willing to take the vote on the bill now or at any other time.

Mr. MANN. Mr. Chairman, I prefer to submit my remarks on the bill further and prefer to have a larger audience present than there is now. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise. The question is on the motion of the gentleman from Illinois.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PETERS. Mr. Chairman, I ask for a division.

Mr. MANN. Then I shall make a point of order that there is no quorum present. I thought the gentlemen wanted to do business, but if they do not—

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of no quorum. The Chair will count.

Mr. PETERS. Mr. Chairman, I will ask the gentleman from Illinois [Mr. MANN] if he will be willing to have the previous question ordered, so that the vote may be taken on the bill immediately.

Mr. MANN. Mr. Chairman, I stated I had 40 minutes remaining to me, and I desire to consume some time, and I am not prepared to go on to-night.

The CHAIRMAN (after counting). Sixty-seven Members are present, no quorum. The Clerk will call the roll.

Mr. MANN. It will take a roll call on the motion to rise.

The CHAIRMAN. The Chair will state it was just a call of the roll in order to determine the presence of a quorum.

Mr. PETERS. Mr. Chairman, I will withdraw the point of no quorum if an agreement is reached as to when a vote may be taken on the bill.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts [Mr. PETERS] that a point of no quorum has been made and no quorum has been ascertained. There is nothing to be done but to rise. The Clerk will call the roll.

The Clerk proceeded with the calling of the roll.

Mr. MANN. A motion was pending to rise. It does not require a quorum to rise, and I ask for a vote on the motion to rise.

Mr. FOSTER. I think, Mr. Chairman, the Chair decided that the committee concluded to rise.

Mr. BUTLER. He did; but the division was asked by the gentleman from Massachusetts [Mr. PETERS].

The CHAIRMAN. The Chair announced that the ayes seemed to have it. The gentleman from Massachusetts [Mr. PETERS] asked for a division, and the gentleman from Illinois [Mr. MANN] made a point of no quorum. The ayes have it, and the committee decides to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-buildings act, and for other purposes," approved March 4, 1909, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Pennsylvania, for one week, on account of death of a relative.

To Representatives WATKINS, ANTHONY, CONRY, HUGHES of Georgia, McKELLAR, PRINCE, and AMES, for three days, on account of visiting West Point as members of the Board of Visitors.

To Mr. BARTHOLOLT, for two weeks, on account of important business.

#### CHANGE OF REFERENCE.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of the bill (H. R. 25102) to amend section 4347 of the Revised Statutes as amended by the act of February, 1898, so as to permit foreign vessels to engage in transportation of merchandise between the ports of the United States, Territories, and insular possessions through the Panama Canal, and the same was referred to the Committee on the Merchant Marine and Fisheries.

By unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R.

25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and the same was referred to the Committee on Interstate and Foreign Commerce.

#### ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until Thursday, June 6, 1912, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Deatherage, administrator of J. A. J. Rooker, deceased, v. The United States (H. Doc. No. 809); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for employing temporary clerks for the General Land Office (H. Doc. No. 810); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting estimate of appropriation to pay Frank N. Allen for copying correspondence for use of United States district attorney, southern district of New York (H. Doc. No. 811); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior transmitting list of claims paid by disbursing officer of the Interior Department, which have been or will be disallowed, and requesting authority to credit same (H. Doc. No. 812); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRAGO, from the Committee on Pensions, to which was referred the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported the same with amendment, accompanied by a report (No. 838), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20044) for the improvement of the foreign service, reported the same without amendment, accompanied by a report (No. 840), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 837), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, submitted the views of the minority (H. Rept. 837, pt. 2) thereon, which were ordered to be printed.

Mr. PETERS, from the Committee on Ways and Means, to which was referred the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues, reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars

other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 839), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 24344) granting a pension to Jane Heath, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKELLAR: A bill (H. R. 25136) defining and enlarging the duties and power of the Mississippi River Commission; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Kentucky (by request of the United States attorney for District of Columbia): A bill (H. R. 25137) to amend section 797a of chapter 18 of subchapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 25138) authorizing the Secretary of the Interior to make immediate disposition of the surface of the segregated mineral land occupied by the Pittsburg County Fair, Pittsburg County, Okla.; to the Committee on Indian Affairs.

By Mr. HOLLAND: A bill (H. R. 25139) to establish an immigration station on Hampton Roads, in the State of Virginia, purchase a suitable site therefor, and erect thereon suitable buildings for such a station; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: A bill (H. R. 25140) providing for the purchase of a site and the erection thereon of a public building at Glenwood, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. HAMMOND: A bill (H. R. 25141) for the erection of a public building at Pipestone, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25142) for the erection of a public building at Fairmont, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 25143) to provide for the erection of a public building at Brinkley, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: Resolution (H. Res. 572) providing for the consideration of the bill H. R. 22871; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 25144) granting an increase of pension to Benjamin S. Jackson; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 25145) granting an increase of pension to Mathilda Albers; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25146) granting a pension to Robert H. Howard; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 25147) for the relief of John D. Crawford and M. W. Ligon; to the Committee on Indian Affairs.

By Mr. DONOHUE: A bill (H. R. 25148) granting a pension to Johanna F. Weand; to the Committee on Pensions.

Also, a bill (H. R. 25149) to correct the military record of Andrew Given, alias Dugan; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 25150) granting an increase of pension to Margaret H. Kerr; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 25151) granting a pension to Nancy Matsel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25152) granting an increase of pension to Elvina McDonald; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 25153) granting a pension to Mary A. Albright; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25154) granting a pension to Lillie M. Hammons; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 25155) granting an increase of pension to William J. Downin; to the Committee on Invalid Pensions.



Also, a bill (H. R. 25156) granting an increase of pension to William H. Thompson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25157) granting an increase of pension to Barbara Tanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25158) granting an increase of pension to Catherine G. Graham; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25159) to correct the military record of Charles W. Beldin; to the Committee on Military Affairs.

By Mr. RANSEDELL of Louisiana: A bill (H. R. 25160) granting an increase of pension to John O. Ockerson; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25161) for the relief of A. B. Goodwin; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 25162) granting an increase of pension to Elizabeth Hogan; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 25163) granting a pension to Susan McGrath; to the Committee on Pensions.

Also, a bill (H. R. 25164) granting an increase of pension to Lucinda Tweed; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 25165) granting a pension to Charles H. Haring; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of socialist societies of the States of Michigan, Arkansas, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of members of socialist societies of the States of Pennsylvania, Ohio, Illinois, New Jersey, Nebraska, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Resolutions adopted by the Glass Bottle Blowers' Association, Branch 101, Coshocton, Ohio, and Licking Division, No. 166, Order of Railway Conductors, Newark, Ohio, asking for the passage of the seamen's bill (H. R. 23673); to the Committee on the Merchant Marine and Fisheries.

By Mr. AYRES: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, memorial of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of Coopers' International Union of North America, of St. Louis, Mo., favoring passage of House bill 16844, the so-called Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Steiner Manufacturing Co., Louis C. Ebeling Jewelry & Optical Co., American Stove & Queensware Co., and the St. Louis Retail Jewelers' Association, of St. Louis, Mo., against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

Also, petition of Alumni Association of St. Louis University, of St. Louis, Mo., favoring passage of the Owen bill to provide a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Additional evidence in support of House bill 17495, granting a pension to Mary Stultz; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Resolution of Chicago Association of Commerce, against passage of House bill 16844, prohibiting fraud upon the public by requiring manufacturers to place their names upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Petitions of Farmers' Educational and Cooperative Union of America; American Purity Federation; Brotherhood of Railroad Trainmen; Patriotic Order Sons of America; Junior Order United American Mechanics, of Maryland and New York, all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of American Exporter, of New York, favoring the improvement of the United States Diplomatic and Consular Service; to the Committee on Foreign Affairs.

By Mr. DONOHUE: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage

of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of William J. Kennedy Stationery Co., and the St. Louis Retail Jewelers, of St. Louis, Mo., both protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of Workmen's Sick and Death Benefit Fund of America, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petitions of J. F. Lambson, of Lexington, Nebr., and Walter R. Sheurman, of Rochester, N. Y., favoring passage of House bill 1339, to grant increase of pensions to certain survivors of the Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of American Exporter of New York City, favoring passage of the Sulzer bill (H. R. 20044) for the improvement of the foreign service, etc.; to the Committee on Foreign Affairs.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Resolutions of members of Independent Order Abraham Israel, Independent Order Brith Abraham Lodges of New York City, American Association of Foreign Newspapers, Lackawanna Steel Co., Labor Council of Greater New York, Hebrew-American Typographical Union, No. 83, and Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of McCormick & Co., of Baltimore, Md., against passage of the Richardson bill, known as H. R. 14060, and Henry R. Worthington, of Denver, Colo., against passage of House bill 21969 and amendment to prohibit use of the Panama Canal to any steamship company in which any railroad is interested, and Board of Commissioners of Trenton, N. J., against passage of bill relative to building a bridge over the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, petition of Watch Makers' and Jewelers' Benevolent Association No. 1, of New York City, against passage of bills to change patent laws; to the Committee on Patents.

Also, resolutions of Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Chamber of Commerce and 1920 Club, of Augusta, Ga., favoring passage of House bill 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of Adas Israel Lodge, No. 137, York, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania; Lutheran Church, Hanover, Pa.; Lohr's Memorial United Brethren Sunday school, Hanover, Pa., all favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petitions of Daughters of Liberty of Mahanoy City, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Resolutions of Humboldt Chamber of Commerce, at Eureka, Cal., favoring passage of bill to provide suitable homes for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to the deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. MCCOY: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Peter Cooper Council, No. 196, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, against

passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petitions of Chicago Woman's Aid, and Conference of Jewish Women's Organizations, and St. Ann's Society, No. 311, and Adolph Petroles, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKENZIE: Petition of Methodist Church of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of citizens of Pulaski, Wis., against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Sheboygan Mineral Water Co., of Sheboygan, Wis., against passage of bill (S. 5461) relative to regulating traffic in intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: Resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of Root amendment to the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, relative to pure food and drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Brooklyn, N. Y., against appointment of a commission by Congress for celebrating a hundred years peace with England; to the Committee on Appropriations.

By Mr. REILLY: Petition of the legislative committee, Department of Connecticut, United Spanish War Veterans, of Hartford, Conn., favoring passage of House bill 17470, for pensions for the widows and orphans of United Spanish War Veterans; to the Committee on Pensions.

By Mr. REYBURN: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., against passage of bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SLOAN: Petition of 65 merchants of State of Nebraska, against the enactment of any parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Nebraska, favoring giving the Interstate Commerce Commission further power toward regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, to amend the food and drugs act of 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Resolution of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of voters of Charlotte, N. C., favoring passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Michigan: Petition of St. Hedwig's Parish, St. Stanislaus Parish, St. Adalbertus Parish, St. Josephat's Parish, St. John Cautius Parish, St. Casimir's Parish, and St. Hyaceth Parish, all of Detroit, Mich., and citizens of Wyandotte, Mich., all protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, June 6, 1912.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou art our Shepherd. Though Thou causest us to walk through the valley of the shadow of death, we will fear no evil. Thou art, O God, still with us. The rod of Thy faithfulness and the staff of Thy providence, they comfort us. Make us, we humbly pray Thee, to rest in the green pastures of Thy tender mercies and lead us beside the still waters of Thy heavenly grace. Grant that goodness and mercy may follow us all the days of our life and that we may dwell in the house of Thy presence forever.

Even so, our Father, hear and bless us, as we stand before Thee with bowed heads and with saddened hearts. We know that the way of man is not in himself alone and that it is not in us who walk to direct our steps. We humbly confess our dependence upon Thee. It is Thou who hast made us, and not we ourselves. It is Thou who holdest us in life and who orderest all our steps. Therefore do we put our trust in Thee. We commend to Thy care the soul of him whom Thou hast called from our presence. Be with those, we pray Thee, to whom this sorrow is most near and most sore. Comfort them as Thou alone canst comfort Thy children. Our heart and our flesh faileth, but Thou, O God, art our strength and our portion for evermore.

And unto Thee, our Father, who has loved us with an everlasting love and has given us comfort and good hope through the Gospel, unto Thee, who art our God and our Savior, be all glory now and for evermore.

In the name of Him who abolished death and brought life and immortality to light, hear our prayer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NEWLANDS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### DEATH OF SENATOR GEORGE S. NIXON.

Mr. NEWLANDS. Mr. President, it is my sad duty to announce to the Senate the death of my colleague, the Hon. GEORGE S. NIXON, held in high esteem and affectionate regard by this body. His death occurred at Washington on the 5th day of June, 1912, at 9.55 p. m., after a painful illness following a surgical operation. At some future day I shall propose that the business of the Senate be suspended for the purpose of paying a fitting tribute to his memory.

I offer the resolutions which I send to the desk, and ask for their present consideration.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Nevada.

The Secretary read the resolutions (S. Res. 333), as follows:

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

*Resolved*, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

*Resolved*, That as a further mark of respect, his remains be removed from Washington to Reno, Nev., for burial, in charge of the Sergeant at Arms of the Senate, attended by the committee, who shall have full power to carry these resolutions into effect.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

The resolutions were considered by unanimous consent and unanimously agreed to.

The VICE PRESIDENT appointed as the committee, under the second resolution, Mr. NEWLANDS, Mr. BAILEY, Mr. WORKS, Mr. HEYBURN, Mr. BROWN, Mr. CURTIS, Mr. OLIVER, Mr. CHAMBERLAIN, Mr. SWANSON, Mr. CLARK of Wyoming, Mr. FALL, and Mr. ASHURST.

Mr. NEWLANDS submitted the following resolution (S. Res. 332), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator GEORGE STUART NIXON, from the State of Nevada, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DILLINGHAM, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the foregoing resolution, and it was considered by unanimous consent and agreed to.

Mr. NEWLANDS. Mr. President, I wish to announce that the funeral services of the distinguished Senator will be held